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**DISTRICT OF COLUMBIA
JUDICIAL NOMINATION COMMISSION**

The Honorable Emmet G. Sullivan
Chairperson

Tracy B. Nutall
Executive Director

February 10, 2021

The Honorable Charles Allen
Chairperson, Committee on the Judiciary and Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 110
Washington, DC 20004

Dear Chairperson Allen:

On behalf of the District of Columbia Judicial Nomination Commission ("Commission"), I respectfully provide the following responses to the questions set forth in your letter dated February 2, 2021.

General Questions

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel, and note the date the information was collected on the chart.

- a. Please provide an explanation of the roles and responsibilities of each division and subdivision.

Response: See Attachment 1, the Commission's organizational chart.

- b. Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

Response: There were no organizational changes made during the previous year.

2. Please provide a current Schedule A for the agency which identifies each filled, vacant, unfunded, and funded position by program and activity, with the employee's name (if filled), title/position, salary, fringe benefits, and length of time

with the agency (if filled). Please note the date the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

Response: See Attachment 2, Schedule A.

3. Please list all employees detailed to or from your agency during FY20 and FY21, to date. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

Response: None.

4. Please provide the Committee with:

- a. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle collisions involving the agency's vehicles in FY20 and FY21, to date; and

Response: None.

- b. A list of travel expenses, arranged by employee for FY20 and FY21, to date, including the justification for travel.

Response: None.

5. Please list all memoranda of understanding ("MOU") entered into by the agency in FY20 and FY21, to date, as well as any MOU currently in force. For each, indicate the date into which the MOU was entered and the termination date.

Response: The Commission entered into an MOU with the United States Department of Justice Federal Bureau of Investigation (FBI), Information Management Division, on November 12, 2019; it will remain in effect through September 30, 2022, unless amended by mutual consent or terminated by the Commission or the FBI. The MOU addresses the Commission's use of the FBI National Name Check Program (NNCP), which the Commission uses to secure information concerning applicants for judicial vacancies, including the Commission's responsibilities, the FBI NNCP's responsibilities, and Privacy Act requirements. The Commission's prior MOU with the FBI's Information Management Division also addressed the Commission's use of the FBI NNCP, and it was in effect from November 29, 2018, to September 30, 2019. The Commission intends to enter into another MOU with the FBI upon the expiration of the current MOU.

The Commission also entered into an MOU with the United States Department of Treasury Internal Revenue Service (IRS) on August 30, 2019, which will remain in effect until September 30, 2024. The MOU addresses the Commission's use of the IRS's automated Tax Check Service. The IRS Tax Check Service allows the Commission to obtain IRS Tax Compliance Reports on applicants for judicial vacancies that provide information as to whether applicants have met their federal income tax obligations. These requests are made by submitting a standardized IRS Form 14767, Consent to Disclose Tax Compliance Check, that is completed and signed by judicial applicants. Prior to August 30, 2019, the Commission obtained confidential federal tax information for individuals who applied for judicial vacancies by submitting an appropriate waiver form, prepared by the Commission, to the IRS Tax Check Unit. However, beginning on July 1, 2019, the IRS transitioned to its automated Tax Check Service to implement the revised Federal Investigative Standards pursuant to Executive Order 13467, *Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information*. As a consequence of this transition, the IRS requires the use of IRS Form 14767 to obtain federal tax compliance information.

The Commission also entered into an MOU with the District of Columbia Department of Human Resources (DCHR) on October 16, 2020, which will remain in effect until September 30, 2021, unless amended or terminated by mutual consent. The MOU allows DCHR to serve as the personnel authority for the JNC, to include, among others, the following services: Benefits and Retirement; Recruitment and Staffing; Classification and Compensation.

6. Please list the ways, other than MOU, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY20 and FY21, to date.

Response: In FY20 and FY21, to date, the Commission has provided information about judicial vacancies to non-profit voluntary bar associations in the District of Columbia, to District of Columbia law schools, and to the network of non-profit legal services organizations in the District of Columbia; a number of those entities share vacancy information with their membership, staff, and pro bono networks, thus expanding the Commission's outreach.

7. For FY20 and FY21, to date, please list all intra-District transfers to or from the agency, and include a narrative description of the purpose of each transfer.

Response: See Attachment 3.

8. For FY20 and FY21, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:

- a. The revenue source name and code;
- b. The source of funding;
- c. A description of the program that generates the funds;
- d. The amount of funds generated by each source or program;
- e. Expenditures of funds, including the purpose of each expenditure;
- f. Whether expenditures from the fund are regulated by statute or policy, and if so, how; and
- g. The current fund balance.

Response: None.

9. For FY20 and FY21, to date, please list all purchase card spending by the agency, the employee making each expenditure, and the general purpose of each expenditure.

Response: See Attachment 4.

10. Please list all capital projects in the financial plan for the agency or under the agency's purview in FY20 and FY21, to date, and provide an update on each project, including the amount budgeted, actual dollars spent, and any remaining balances (please also include projects for the benefit of the agency that are in the budget of the Department of General Services or another agency). In addition, please provide:

- a. A narrative description of all capital projects begun, in progress, or concluded in FY19, FY20, and FY21, to date, including the amount budgeted, actual dollars spent, any remaining balances, and the work undertaken;
- b. An update on all capital projects planned for the four-year financial plan;
- c. A description of whether the capital projects begun, in progress, or concluded in FY19, FY20, and FY21, to date, had an impact on the operating budget of the agency. If so, please provide an accounting of such impact; and
- d. A description and the fund balance for any existing allotments.

Response: The Commission has no capital projects under its purview.

11. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY20 and FY21, to date. For each, include a description of the need and the amount of funding requested.

Response: None.

12. Please list, in chronological order, each reprogramming in FY20 and FY21, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, or within the agency. Include known, anticipated reprogrammings, as well as the revised, final budget for your agency after the reprogrammings. For each reprogramming, list the date, amount, rationale, and reprogramming number.

Response: See Attachment 5.

13. Please list each grant or sub-grant **received by** your agency in FY20 and FY21, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.
- How many FTEs are dependent on grant funding?
 - What are the terms of this funding?
 - If it is set to expire, what plans, if any, are in place to continue funding the FTEs?

Response: None.

14. Please list each grant or sub-grant **granted by** your agency in FY20 and FY21, to date. List the date, amount, source, and purpose of the grant or sub-grant granted.

Response: None.

15. Please list each contract, procurement, and lease entered into or extended and option years exercised by your agency during FY20 and FY21, to date. For each contract, procurement, or lease, please provide the following information, where applicable:
- The name of the party;
 - The nature of the contract, procurement, or lease, including the end product or service;
 - The dollar amount of the contract, procurement, or lease, including amount budgeted and amount actually spent;
 - The term of the contract, procurement, or lease;
 - Whether it was competitively bid;
 - The name of the agency's contract monitor(s) and the results of any monitoring activity; and
 - The funding source.

Response: None.

16. Please list and describe all pending and closed lawsuits that name or named the agency as a party in FY20 and FY21, to date, and include an explanation about the

issues involved in each case. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or could result in a change to agency practices, and describe the current status of the litigation.

Response: None.

17. Please list all judgments against and settlements executed by the agency or by the District on behalf of the agency, of any amount, in FY20 or FY21, to date, and provide the parties' names, the date on which the judgment was issued or settlement was executed, the amount of the judgment or settlement, and if related to litigation, the case name, docket number, and a brief description of the case. Include non-monetary costs such as backpay and leave restoration. If unrelated to litigation, please describe the underlying issue or reason for the judgment or settlement (e.g. excessive use of force, wrongful termination, sexual harassment). Please also describe any matters which are currently in settlement negotiations or for which a judgment is imminent.

Response: None.

18. Did the agency use outside counsel in FY20 and FY21, to date? If so, for what matter(s) and in what amount(s)?

Response: The Commission did not use outside counsel in FY20 and FY21, to date.

19. Please list the administrative complaints or grievances that the agency received in FY20 and FY21, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY20 or FY21, to date, describe the resolution.

Response: None.

20. Please describe the agency's procedures for investigating allegations of sexual harassment, sexual misconduct, or discrimination committed by or against agency employees. List and describe any allegations relating to the agency or its employees in FY20 and FY21, to date, and whether and how those allegations were resolved (e.g. a specific disciplinary action, such as re-training, employee transfer, suspension, or termination).

Response: The Commission does not tolerate any form of sexual harassment in the workplace, and there have been no allegations of sexual harassment relating to the Commission or its employees in FY20 or FY21, to date. Should any allegations

of sexual harassment, sexual misconduct, or discrimination committed by or against Commission employees arise, the Commission's Executive Director shall promptly notify and, as necessary, consult with the Mayor's Office of Legal Counsel (MOLC) to ensure that allegations of sexual harassment are investigated and resolved within sixty (60) days after receiving a report of sexual harassment, sexual misconduct, or discrimination. Provided that an investigation conducted by the Commission's Executive Director would not present a conflict of interest, the Commission's investigative procedures would include, but not be limited to, conducting a preliminary meeting with the individual reporting the sexual harassment allegation to understand and verify the allegation; interviewing the alleged victim of sexual harassment, third-party witnesses to the alleged sexual harassment, and the employee who allegedly engaged in the harassing behavior; obtaining and evaluating evidence; and completing a written investigation report that includes findings of fact and conclusions pertaining to the allegation.

If there are any allegations of sexual harassment, sexual misconduct, or discrimination committed by or against the Commission's Executive Director, or if an investigation conducted by the Commission's Executive Director would otherwise present a conflict of interest, the complainant is to contact the MOLC to ensure that an investigation is conducted and that appropriate action is taken.

Given that the Commission is a smaller agency, the Commission's Executive Director has initiated discussion with the District of Columbia Office of the Attorney General about the possibility of entering into an agreement to utilize, or otherwise obtain assistance from, its designated Sexual Harassment Officer in handling complaints related to sexual harassment, as authorized by Mayor's Order 2017-313 (December 18, 2017).

- a. Please also identify whether the agency became aware of any similar matters in FY20 or FY21, to date, through means other than an allegation, and if so, how the matter was resolved (e.g. sexual harassment was reported to the agency, but not by the victim).

Response: The Commission has not become aware of any similar matters in FY20 or FY21, to date.

21. Please provide the Committee with a list of the total workers' compensation payments paid by the agency or on the agency's behalf in FY20 and FY21, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

Response: None.

22. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on

the agency or any employee of the agency that were completed during FY20 and FY21, to date.

Response: None.

23. Please describe any spending pressures the agency experienced in FY20 and any anticipated spending pressures for the remainder of FY21. Include a description of the pressure and the estimated amount. If the spending pressure was in FY20, describe how it was resolved, and if the spending pressure is in FY21, describe any proposed solutions.

Response: None.

24. Please provide a copy of the agency's FY20 performance plan. Please explain which performance plan objectives were completed in FY20 and whether they were completed on time and within budget. If they were not, please provide an explanation.

Response: See Attachment 6. All FY20 performance plan objectives were completed on-time and within budget.

25. Please provide a copy of your agency's FY21 performance plan as submitted to the Office of the City Administrator.

Response: See Attachment 7.

26. Please describe any regulations promulgated by the agency in FY20 or FY21, to date, and the status of each.

Response: On August 30, 2019, the Commission issued a Notice of Proposed Rulemaking in the *District of Columbia Register* to notify the public of its intent to take proposed rulemaking action by promulgating Chapter 21 (Judicial Nomination Commission) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR). 66 D.C. Reg. 11713 (Aug. 30, 2019). The proposed rulemaking addressed procedures relating to the status of applicants on judicial nomination lists, certain application procedures, and quorum requirements for the adoption of an action by the Commission.

When there is a District of Columbia court judicial vacancy, the Commission, following an application and background check process, selects three candidates and recommends those candidates on a list sent to the President, who nominates one of the Commission's recommended candidates. If the President does not nominate a candidate within sixty (60) days of receiving the list, then the Commission nominates a candidate from the list. Candidates must be confirmed by the Senate before being appointed to a judicial office.

The procedures in the Home Rule Act are ambiguous as to what happens when the Senate fails to confirm a nominee or returns a nomination. Accordingly, the Commission promulgated these rules to clarify the procedure to be followed when the Senate fails to confirm or returns a nomination. The rulemaking specifies that when the Senate rejects, returns, or fails to take action on a nomination by the end of a Senate session, the nomination will be deemed rejected, and the President will have sixty (60) days to make another nomination. If the President does not make another nomination within sixty (60) days, the list of candidates for the vacancy is deemed expired, and the Commission submits another list to the President, starting the application process anew. The rulemaking also codifies what constitutes a quorum for the adoption of an action by the Commission.

Following the designated period of comment, on November 15, 2019, the rules pertaining to the procedures relating to the status of applicants on judicial nomination lists and the procedure to be followed when the Senate fails to confirm or returns a nomination, in addition to the rule specifying what constitutes a quorum for the adoption of an action by the Commission, were made final by publication in the *DC Register*. 66 D.C. Reg. 15248 (Nov. 15, 2019).

The Commission's responses to comments that were received following the August 30, 2019 Notice of Proposed Rulemaking resulted in substantial alterations to the rulemaking concerning certain application procedures for judicial candidates. Accordingly, on December 20, 2019, the Commission published a Notice of Second Proposed Rulemaking in the *District of Columbia Register*. 66 D.C. Reg. 16440 (Dec. 20, 2019). In March 2020, following consideration of the comments received, the Commission promulgated a new subsection to Chapter 21 of Title 28 of the DCMR to clarify the five-year practice requirement and the bona fide resident requirement in the Home Rule Act. Specifically, the Commission clarified that an applicant must accumulate five years of qualifying experience immediately prior to the date that the Commission recommends the person to the President. With regard to the bona fide resident requirement, the Commission clarified that the applicant must have maintained an actual place of abode in the District for at least ninety (90) days immediately prior to the date the Commission recommends the person to the President. Copies of the Commission's final and proposed rulemaking accompany this letter.

27. Please provide the number of FOIA requests for FY20 and FY21, to date, that were submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

Response: None.

28. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or for which the agency contracted during FY20 and FY21, to

date. Please state the status and purpose of each. Please submit a hard copy to the Committee if the study, research paper, report, or analysis is complete.

Response: The Commission updates annually its cumulative report on recommendations to fill judicial vacancies in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, in addition to designations to the position of Chief Judge of each court. A copy of the most recent report, which covers activity through September 30, 2020, accompanies this letter.

29. Please list in descending order the top 25 overtime earners in your agency in FY20 and FY21, to date, if applicable. For each, state the employee's name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned. Please describe the process the agency uses to determine which employees are granted overtime.

Response: None.

30. For FY20 and FY21, to date, please provide a list of employee bonuses or special pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

Response: None

31. For FY20 and FY21, to date, please list each employee separated from the agency with separation pay. State the amount and number of weeks of pay. Also, for each, state the reason for the separation.

Response: For FY20 and FY21, to date, the Commission's former Executive Director, Bianca Garcia, resigned from the agency on August 25, 2020, with separation pay in the amount of \$5,066.12, representing a little over two weeks (84 hours) of terminal leave.

32. Please provide the name of each employee who was or is on administrative leave in FY20 and FY21, to date. In addition, for each employee identified, please provide: (1) their position; (2) a brief description of the reason they were placed on leave; (3) the dates they were/are on administrative leave; (4) whether the leave was/is paid or unpaid; and (5) their current status.

Response: None.

33. Please provide each collective bargaining agreement that is currently in effect for agency employees. Include the bargaining unit and the duration of each agreement. Note if the agency is currently in bargaining and its anticipated completion.

Response: None.

34. If there are any boards, commissions, or task forces associated with your agency, please provide a chart listing the names, number of years served, agency affiliation, and attendance of each member. Include any vacancies. Please also attach agendas and minutes of each board, commission, or task force meeting in FY20 or FY21, to date, if minutes were prepared. Please inform the Committee if the board, commission, or task force did not convene during any month.

Response: See Attachment 8 for a listing of Commission members, current as of January 30, 2021.

The Commission meets when it has Commission business to resolve and when it considers applicants for a pending judicial vacancy or designation of a Chief Judge of either the Superior Court of the District of Columbia or the District of Columbia Court of Appeals. The Commission does not meet when it has no business to consider or act upon. The Commission did not convene during the following months in FY20 and FY21, to date:

FY20: December 2019, January 2020, and February 2020.

FY21: October 2020 and December 2020

Per D.C. Code § 1-204.34(c)(1) and (3), proceedings of the Commission are closed to the public, and D.C. Code § 1-207.42 does not apply. In addition, information, records, and other materials furnished to, or developed by, the Commission during the performance of its duties are privileged and confidential. As a result, the Commission respectfully declines to list the attendance of each member at its meetings or to attach agendas or minutes of meetings held in FY20 or FY21, to date. Press releases reporting the Commission's recommendations on vacancies and Chief Judge designations are published on the Commission's website, <https://jnc.dc.gov/newsroom>. The Commission's recommendations and designations are also listed in the Report submitted in response to Question 28.

35. Please list all reports or reporting currently required of the agency in the District of Columbia Code or Municipal Regulations. Provide a description of whether the agency is in compliance with these requirements, and if not, why not (e.g. the purpose behind the requirement is moot, etc.).

Response: None.

36. Please provide a list of any additional training or continuing education opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained.

Response: The Commission’s Executive Director and Executive Assistant have participated in a variety of training and opportunities made available on SkillPort. In addition to the training and opportunities made available on SkillPort, the Commission’s Executive Director and Executive Assistant attended a “Cybersecurity” and “Cyber Essentials Series: Working Remotely” training offered by the Office of the Chief Financial Officer. See Attachment 9 for summaries of training/continuing education programs in which the Commission’s employees have participated.

37. Please describe any initiatives that the agency implemented in FY20 or FY21, to date, to improve the internal operations of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.

Response: The Commission’s Executive Director worked with OCTO to develop a cost-effective and user-friendly web portal via SeamlessDocs that would allow applicants to securely submit their application materials online. The Commission began accepting application materials electronically in March 2020.

Before the implementation of SeamlessDocs, application materials had to be delivered to the Commission in paper format to ensure that applicants’ personally identifying information (PII) was not placed at risk by the Commission during the application process. The Commission’s use of SeamlessDocs modernized the application submission process by eliminating the need for applicants to deliver their application materials in-person during business hours, or rely upon the United States Postal Service or other shipping provider for the timely submission of their application materials. The Commission’s use of SeamlessDocs was critical to the application submission process during the nationwide shutdown in response to the COVID-19 pandemic. As expected, the availability of a secure web portal eased certain burdens for judicial applicants. By eliminating the need for the Commission’s staff to manually scan and upload application materials to the Commission’s shared drive and its electronic applicant database, the SeamlessDocs web portal also streamlined internal operations of the agency.

38. What are the agency’s top five priorities? Please explain how the agency expects to address these priorities in the remainder of FY21. How did the agency address its top priorities listed for this question last year?

Response: The Commission’s top five priorities are:

- Timely recommend to the President of the United States a list of three persons for possible nomination for each vacancy on the District of

Columbia Court of Appeals (DCCA) and the Superior Court of the District of Columbia (Superior Court);

- Timely designate Chief Judges for the DCCA and the Superior Court;
- Timely publicize vacancies on the DCCA and the Superior Court;
- Conduct regular outreach sessions to educate the legal community about the judicial application and selection process; and
- Maintain a secure electronic applicant database and application web portal to streamline the application and review processes, while maintaining appropriate data safeguards.

The Commission continues to track judicial terms and maintains close contact with the District of Columbia Courts leadership and the District of Columbia Commission on Judicial Disabilities and Tenure. By doing so, the Commission is able to ensure that it timely identifies and publicizes upcoming vacancies. Timely identifying and publicizing vacancies has, and will continue to enable the Commission to receive and process applications within a sufficient timeframe to conduct thorough background investigations, request and receive public comment on candidates, carefully consider applications, and make recommendations to the President within the statutory deadline.

The Commission continues to work with bar associations, law schools, institutional litigants, and other interested organizations in the District to improve its outreach efforts and increase the number of in-person outreach sessions that target a broad and diverse range of attorneys.

The Commission continues to maintain a password-controlled applicant database via the District of Columbia government's secure SharePoint application. For each judicial applicant, the Commission uploads application materials for each vacancy to the secure platform. Only the Commissioners and the Commission's staff may access the secure platform, and the Commission works to ensure that applicants' PII is not placed at risk by the Commission during the application process.

As detailed in response to Question 37, the Commission began to accept application materials electronically in March 2020. Applicants were given the option of submitting all of their application materials electronically using the District of Columbia government's secure SeamlessDocs application. Upon submission, applicants are able to download a PDF summary that includes the date and time of their submission, along with an itemized report of the materials that they submitted. Once an application is submitted using the SeamlessDocs application, the Commission's staff receive instant notification of the submission via email, which allows the Commission's staff to promptly and efficiently upload application materials to its secure applicant database.

39. Please list each new program implemented by the agency during FY20 and FY21, to date. For each initiative, please provide:

- a. A description of the initiative;
- b. The funding required to implement the initiative; and
- c. Any documented results of the initiative.

Response: None.

40. How does the agency measure programmatic success? Please discuss any changes to outcomes measurement in FY20 and FY21, to date.

Response: The Commission conducts live and “open conference call” outreach sessions to educate members of the District of Columbia legal community about the District of Columbia Courts’ judicial selection process, provide practical advice for prospective applicants, and increase the number of qualified applicants for judicial vacancies. The Commission considers a variety of factors when measuring the success of its outreach activities, including the breadth of the legal community that the Commission’s outreach efforts target, outreach attendance, audience engagement during outreach sessions, and application trends.

41. What are the top metrics and KPIs regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

Response: Per DC Code § 1-204.34(d)(1), the Commission is required to submit to the President a list of three persons to fill each judicial vacancy: (a) within sixty (60) days following the occurrence of the vacancy; or (b) if the vacancy will occur because of the expiration of the judge’s term of office, not less than sixty (60) days prior to the occurrence of such vacancy. If the President fails to nominate, for Senate confirmation, one of the three persons on the list submitted to fill a judicial vacancy: (a) within sixty (60) days after receiving such list the Commission is required to nominate, and with the advice and consent of the Senate, (b) appoint one of those persons to fill the vacancy for which such list was originally submitted to the President. Per DCMR 2103.8, when the Senate rejects, returns, or fails to take action on a nomination by the end of a Senate session, the nomination will be deemed rejected, and the President will have sixty (60) days to make another nomination. If the President does not make another nomination within sixty (60) days, the list of candidates for the vacancy is deemed expired, and the Commission submits another list to the President, starting the application process anew.

Per DC Code § 1-204.31(b) the Commission is responsible for designating the Chief Judge of a District of Columbia Court to a four-year term.

The Commission therefore evaluates its operations by whether it has complied with these statutory and regulatory requirements.

42. Please identify whether, and if so, in what way, the agency engaged The Lab @ DC in FY20 or FY21, to date.

Response: The Commission did not engage the Lab @ DC in FY20 or FY21, to date.

43. Please list the task forces and organizations of which the agency is a member.

Response: None.

44. Please explain the impact on your agency of any federal legislation passed during FY20 and FY21, to date, which significantly affected agency operations.

Response: None.

45. Please describe any steps the agency took in FY20 and FY21, to date, to improve the transparency of agency operations, including any website upgrades or major revisions.

Response: As detailed in the response to Question 26, in FY20, the Commission initiated rulemaking action with the purposes of clarifying ambiguities in the procedures relating to the status of applicants on judicial nomination lists, the procedures that are to be followed when the Senate fails to confirm or returns a nomination, and certain application procedures for judicial candidates. By clarifying these procedures, the Commission's rulemaking action should improve transparency related to the judicial selection process in the District of Columbia.

46. Please identify all electronic databases maintained by your agency, including the following:
- a. A detailed description of the information tracked within each system;
 - b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
 - c. Whether the public can be granted access to all or part of each system.

Response: The Commission maintains an applicant database via the District of Columbia government's secure SharePoint application. For each judicial applicant, the Commission uploads and maintains the applicant questionnaire, resume, letter of interest, writing samples, letters and emails submitted to the Commission regarding the applicant, online evaluations submitted, and a summary of the

Commission's background investigation. The Commission's applicant database was launched in FY16. Only the Commissioners and the Commission's staff have access to the system.

In addition, the Commission began accepting application materials online via the District of Columbia government's secure SeamlessDocs application in March 2020. For each judicial applicant who chooses to submit their application materials electronically, the Commission uploads and maintains the applicant questionnaire, resume, letter of interest, writing samples, and requisite release and certification forms. Only the Commission's staff has access to the system.

47. Please provide a detailed description of any new technology acquired in FY20 and FY21, to date, including the cost, where it is used, and what it does. Please explain if there have there been any issues with implementation.

Response: None.

Agency-Specific Questions

48. How many times did the Commission meet in FY20 and FY21, to date?

Response: The Commission met thirteen times in FY20 and FY21, to date, either in-person or via telephone conference. The Commission also addressed numerous matters, as necessary, via email during this period.

49. Please provide a list of outreach sessions that the agency planned in FY20 and FY21, to date, and the number of individuals in attendance at those sessions.
- Did the sessions lead to an increased number of applicants?
 - Did the agency endeavor to reach out to diverse groups of candidates through these sessions?
 - Does the agency have plans to increase the number of sessions that are held?

Response: See Attachment 10. (a) In FY20 and FY21, to date, there has been an average of twenty-two applicants per vacancy at the Superior Court, which is generally consistent with the average number of applicants per vacancy at the Superior Court in FYs19 and 20, when there was an average of twenty-four applicants per vacancy. The Commission has observed a decrease in the number of first-time applicants to Superior Court vacancies in FY20 and FY21, to date, compared to the number of first-time applicants in FY19. Specifically, there have been thirteen first-time applicants for four Superior Court vacancies posted in FY20 and FY21, to date, compared to twenty-four first-time applicants for four Superior Court vacancies posted in FY19. While there are many factors that affect applicant numbers, the Commission believes that the uncertainty caused by the COVID-19

pandemic may have been an added factor. The Commission plans to continue conducting outreach sessions, both virtually and in-person when appropriate to target a broad range of highly-qualified and diverse applicants.

(b) Yes. In FY20 and FY21, to date, the Commission has worked with the D.C. Bar, voluntary bar associations in the District, the United States Department of Justice Association of Black Attorneys, the Howard University School of Law, and other interested organizations to conduct in-person outreach sessions. Through these sessions, the Commission's outreach efforts have targeted lawyers in various sectors (private, public, commercial, etc.) and in voluntary bar associations reflecting the diversity of the District's legal community. A copy of the JNC Outreach Pamphlet accompanies this letter.

(c) Yes. The Commission plans to work with bar associations in the District, District of Columbia law schools, and other interested organizations to improve its outreach efforts and to increase the number of in-person outreach sessions that are held.

In addition, the Commission continues to hold "Open Conference Calls," to which anyone interested in the judicial application process can call in to learn about the judicial application process and ask any questions that they might have. The Commission's Open Conference Calls provide an opportunity for prospective applicants to participate in outreach sessions both remotely and anonymously. Calls are held during the workday, and information about these sessions is posted on the Commission's website and circulated via social media. Calls are generally scheduled bi-weekly when the Commission is accepting applications for a judicial vacancy. Eight calls were held in FY20 and FY21, to date. Participation rates vary; however, to date, more than fifty prospective applicants have been reached.

50. Have there been increases in the number of online applications submitted in FY20 and FY21, to date, as compared to the same time frame in FY19 and FY20 (as of the date of the last pre-hearing responses)?

Response: The Commission began accepting online applications in FY20. Online application submissions have increased in FY20 and FY21, to date, from 59% when the online portal first opened in March 2020 to 100% with the most recent judicial vacancy. Please see Attachment 11 which contains details regarding each of the vacancy online application submissions.

51. Please provide an update on all vacancies to the D.C. Courts.

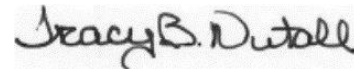
Response: As of January 31, 2021, there are thirteen DC Courts vacancies, two at the District of Columbia Court of Appeals and 11 at the Superior Court of the District of Columbia. Please see Attachment 12, which contains details regarding each of the vacancies.

52. How has the COVID-19 public health crisis affected the Commission's operations, if at all?

Response: The COVID-19 public health crisis has had limited impact on the Commission's operations. The Commission's staff has been able to perform almost 100% of their work remotely. As detailed in the response to question 37, the implementation of the SeamlessDocs application has enabled judicial applicants to submit their applications electronically, alleviating the need to visit the office.

In May 2020, the Commission amended its application requirements due to the COVID-19 pandemic by allowing applicants who are unable to obtain a police clearance by the time they submit their application to provide a written statement of their best efforts to obtain the clearance and by creating a new certification form to alleviate the need for applications to provide a notarized signature. Applicants for designation as Chief Judge were informed that the medical certification form could be completed based on existing medical records, thereby excusing the need for a new medical examination.

Respectfully submitted,

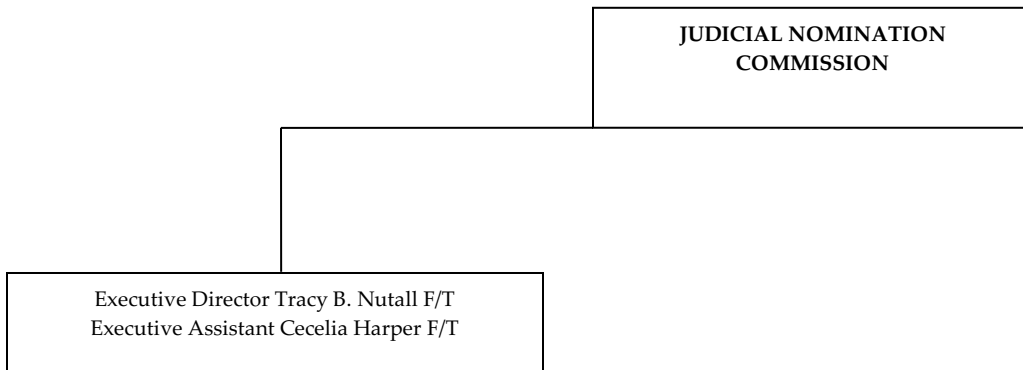
A handwritten signature in black ink, reading "Tracy B. Nutall". The signature is written in a cursive, flowing style.

Tracy B. Nutall
Executive Director

Enclosures

District of Columbia Judicial Nomination Commission

Organizational Chart



As of January 31, 2021

Judicial Nominaton Commission
FY 2021 SCHEDULE A

Vacancy Status	FTE
Filled	2.00
Vacant	0.00
Total	2.00

Agency Code	Fiscal Year	Program Code	Activity Code	Filled, Vacant or Frozen	Position Title	Employee Name	Hire Date	Salary	Fringe	FTE	Reg/Temp/Term	Hiring Status	Filled by Law Y/N
DV0	21	2500	1000	F	Executive Director	Nutall, Tracy Brinkley	10/13/20	130,357.00	27,374.97	1.00	Reg		
DV0	21	2500	1000	F	Executive Assistant	Harper, Cecelia	9/21/15	85,570.34	17,969.77	1.00	Temp		
AGENCY GRAND TOTAL									\$ 215,927.34	\$ 45,344.74	2.00		

FY 2020 Intra-District Transfers To - BUYER SUMMARY

JUDICIAL NOMINATION COMMISSION

SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT
The Office of Contracting and Procurement	Agency Purchase Card	7,000
OCTO	IT Assessments/Telecommunications Sweep	12,298
Office of Finance Resource Management	RTS Cost	5,751
Internal Revenue Service	IRS Tax Check	270
TOTAL		25,319

FY 2021 intra-District Transfers To - BUYER SUMMARY

JUDICIAL NOMINATION COMMISSION

SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT
The Office of Contracting and Procurement	Agency Purchase Card	7,000
OCTO	IT Assessments/Telecommunications Sweep	15,077
DC Department of Human Resources	HR Support Services for Independent Agencies	1,124
Office of Finance Resource Management	RTS Cost	4,972
Internal Revenue Service	IRS Tax Check	270
TOTAL		28,443

Transaction Detail
DCCPCARD

Date/Time Printed: 02/05/2021 11:28:33 AM

Orientation: Landscape

Selection Criteria: Post Date Is Between 10/01/2019 AND 09/30/2020 AND Transaction Type <> 'Payment'

Transaction ID	Transaction	Post Date	Merchant Name	Merchant City	Merchant	MCC	Debit Amount	Credit Amount	Sales Tax	Transaction Type
HAWPER, CECILIA *****8751										
291276630001	1002/2019	10/03/2019	DC BAR		DC	8699	\$2,818.44	\$0.00	\$0.00	Purchase
2923060217001	10015/2019	10/17/2019	TRANS UNION	CHICAGO	IL	7321	\$398.43	\$0.00	\$0.00	Purchase
2941742001001	11/09/2019	11/11/2019	STARPLIS DIRECT	EU'REKA	CA	5111	\$330.02	\$0.00	\$0.00	Purchase
2992122070001	01/28/2020	01/28/2020	NATL STNT	703-742-4200	VA	8699	\$35.40	\$0.00	\$0.00	Purchase
2992122071001	01/28/2020	01/28/2020	NATL STNT	703-742-4200	VA	8699	\$35.40	\$0.00	\$0.00	Purchase
2992122072001	01/28/2020	01/28/2020	NATL STNT	703-742-4200	VA	8699	\$29.90	\$0.00	\$0.00	Purchase
2992122073001	01/28/2020	01/28/2020	NATL STNT	703-742-4200	VA	8699	\$29.90	\$0.00	\$0.00	Purchase
2992122074001	01/28/2020	01/28/2020	NATL STNT	703-742-4200	VA	8699	\$27.95	\$0.00	\$0.00	Purchase
2992122075001	01/28/2020	01/28/2020	NATL STNT	703-742-4200	VA	8699	\$71.85	\$0.00	\$0.00	Purchase
2993050201001	01/28/2020	01/29/2020	USPS PO 1050140216	WASHINGTON	DC	9402	\$3.40	\$0.00	\$0.00	Purchase
3021634377001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$39.90	\$0.00	\$0.00	Purchase
3021634378001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$66.35	\$0.00	\$0.00	Purchase
3021634379001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$14.95	\$0.00	\$0.00	Purchase
3021634380001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$40.00	\$0.00	\$0.00	Purchase
3021634381001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$19.95	\$0.00	\$0.00	Purchase
3021634382001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$44.40	\$0.00	\$0.00	Purchase
3021634383001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$19.95	\$0.00	\$0.00	Purchase
3021634384001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$22.95	\$0.00	\$0.00	Purchase
3021634385001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$14.95	\$0.00	\$0.00	Purchase
3021634386001	03/06/2020	03/06/2020	NATL STNT	703-742-4200	VA	8699	\$19.95	\$0.00	\$0.00	Purchase
3022826194001	03/07/2020	03/09/2020	NATL STNT	703-742-4200	VA	8699	\$22.95	\$0.00	\$0.00	Purchase
3022826195001	03/07/2020	03/09/2020	NATL STNT	703-742-4200	VA	8699	\$20.45	\$0.00	\$0.00	Purchase
3022826196001	03/07/2020	03/09/2020	NATL STNT	703-742-4200	VA	8699	\$19.95	\$0.00	\$0.00	Purchase
3024604579001	03/11/2020	03/11/2020	NATL STNT	703-742-4200	VA	8699	\$24.95	\$0.00	\$0.00	Purchase
3024604580001	03/11/2020	03/11/2020	NATL STNT	703-742-4200	VA	8699	\$14.95	\$0.00	\$0.00	Purchase
3025421060001	03/11/2020	03/12/2020	TRANS UNION	CHICAGO	IL	7321	\$354.43	\$0.00	\$0.00	Purchase
3026218045001	03/12/2020	03/13/2020	USPS PO 1050140216	WASHINGTON	DC	9402	\$8.70	\$0.00	\$0.00	Purchase
3027126472001	03/14/2020	03/16/2020	NATL STNT	703-742-4200	VA	8699	\$14.95	\$0.00	\$0.00	Purchase
3054230359001	06/05/2020	06/06/2020	TRANS UNION	CHICAGO	IL	7321	\$275.15	\$0.00	\$0.00	Purchase
3054230360001	06/06/2020	06/06/2020	NATL STNT	703-742-4200	VA	8699	\$42.90	\$0.00	\$0.00	Purchase
3054230361001	06/06/2020	06/06/2020	NATL STNT	703-742-4200	VA	8699	\$38.40	\$0.00	\$0.00	Purchase
3054230362001	06/06/2020	06/06/2020	NATL STNT	703-742-4200	VA	8699	\$44.90	\$0.00	\$0.00	Purchase
3055961592001	06/11/2020	06/11/2020	NATL STNT	703-742-4200	VA	8699	\$14.95	\$0.00	\$0.00	Purchase
3058448264001	06/16/2020	06/17/2020	IN *DAIL Y WASHINGTON	410-2446688	MD	2741	\$255.00	\$0.00	\$0.00	Purchase
3073101328001	07/20/2020	07/21/2020	TRANS UNION	CHICAGO	IL	7321	\$462.30	\$0.00	\$0.00	Purchase
3073627844001	07/21/2020	07/22/2020	HEDJEX	MEMPHIS	TN	4215	\$23.25	\$0.00	\$0.00	Purchase
3075461860001	07/24/2020	07/27/2020	LE SENGRAVERS INC	703-6851189	VA	8999	\$342.50	\$0.00	\$0.00	Purchase
3104501713001	09/23/2020	09/23/2020	NATL STNT	703-742-4200	VA	8699	\$45.90	\$0.00	\$0.00	Purchase
3104501714001	09/23/2020	09/23/2020	NATL STNT	703-742-4200	VA	8699	\$14.95	\$0.00	\$0.00	Purchase
3104501715001	09/23/2020	09/23/2020	NATL STNT	703-742-4200	VA	8699	\$32.90	\$0.00	\$0.00	Purchase

Transaction ID	Date	Transaction	Post Date	Merchant Name	Merchant City	State	MCC	Debit Amount	Credit Amount	Sales Tax	Transaction Type
3104501716001	09/23/2020		09/23/2020	NATL STUNT CLEARINGHOUSE	VA	8699		\$14.95	\$0.00	\$0.00	Purchase
3106596268001	09/23/2020		09/23/2020	ZOOM.US.888-799-9666	CA	888999666	4814	\$158.89	\$0.00	\$0.00	Purchase
HARPER, CECILIA *****8751 Grand Total:				42 Transaction(s)				\$6337.31	\$0.00	\$0.00	
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Transaction Detail

DCPCARD

Date/Time Printed: 02/05/2021 11:30:25 AM

Orientation: Landscape

Selection Criteria: Post Date Is Between '10/01/2020' AND '01/31/2021' AND Transaction Type <> 'Payment'

Transaction ID	Transaction Date	Post Date	Merchant Name	Merchant City	Merchant State/Division	MCC	Debit Amount	Credit Amount	Sales Tax	Transaction Type
HARPER, CECELIA *****8751										
310935906000	10/01/2020	10/02/2020	THE AWARD	212-4737000	NY	5099	\$471.99	\$0.00	\$23.60	Purchase
311615655900	10/14/2020	10/15/2020	FEDEX	MEMPHIS	TN	4215	\$12.35	\$0.00	\$0.00	Purchase
312437583900	10/29/2020	10/30/2020	VISTAPR*VIS	866-8936743	MA	2741	\$15.90	\$0.00	\$0.00	Purchase
312680040900	11/03/2020	11/04/2020	ZOOM.US 888	8887999666	CA	4814	\$0.00	(\$8.99)	\$0.00	Purchase
312888931400	11/07/2020	11/09/2020	VISTAPR*VIS	866-8936743	MA	2741	\$0.00	(\$0.95)	\$0.00	Purchase
312888931500	11/06/2020	11/09/2020	DC BAR	877-3332227	DC	8699	\$720.00	\$0.00	\$0.00	Purchase
313802509900	11/24/2020	11/25/2020	TRANS	CHICAGO	IL	7321	\$228.92	\$0.00	\$0.00	Purchase
313865765900	11/25/2020	11/27/2020	LEGALBLUE	CAMBRIDGE	MA	8220	\$48.85	\$0.00	\$0.00	Purchase
314391070700	12/08/2020	12/08/2020	DMT* DELL	ROUND	TX	5045	\$2,538.00	\$0.00	\$0.00	Purchase
315419577600	12/29/2020	12/30/2020	TRANS	CHICAGO	IL	7321	\$15.41	\$0.00	\$0.00	Purchase
315419577700	12/29/2020	12/30/2020	STAPLES	NEW	MD	5943	\$5.37	\$0.00	\$0.30	Purchase
315419577800	12/30/2020	12/30/2020	NATL.STDNT	703-742-4200	VA	8699	\$14.95	\$0.00	\$0.00	Purchase
315419577900	12/30/2020	12/30/2020	NATL.STDNT	703-742-4200	VA	8699	\$51.85	\$0.00	\$0.00	Purchase
315419578000	12/30/2020	12/30/2020	NATL.STDNT	703-742-4200	VA	8699	\$62.90	\$0.00	\$0.00	Purchase
315468118200	12/31/2020	12/31/2020	NATL.STDNT	703-742-4200	VA	8699	\$18.45	\$0.00	\$0.00	Purchase
315630175700	01/05/2021	01/05/2021	NATL.STDNT	703-742-4200	VA	8699	\$14.95	\$0.00	\$0.00	Purchase
315885701100	01/08/2021	01/11/2021	STAPLES	NEW	MD	5943	\$0.00	(\$0.31)	\$-0.31	Purchase
316034671500	01/13/2021	01/13/2021	NATL.STDNT	703-742-4200	VA	8699	\$22.95	\$0.00	\$0.00	Purchase
316447330500	01/21/2021	01/21/2021	NATL.STDNT	703-742-4200	VA	8699	\$14.95	\$0.00	\$0.00	Purchase
316686315100	01/25/2021	01/26/2021	DC BAR	877-3332227	DC	8699	\$4,854.50	\$0.00	\$0.00	Purchase
HARPER, CECELIA *****8751 Grand Total:							\$9,112.29	(\$10.25)	\$23.59	

Judicial Nomination Commission					
FY 2020 REPROGRAMMING LIST					
LOCAL			Starting Budget		\$7,569
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT
2020	0100				\$0
Final Budget					\$7,569

Federal Payment			Starting Budget		\$290,000
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT
2020	8110	11/13/20	BJFPMTCR	RESTORING THE FED PAMYMENT	(\$249,857)
2020	8110	11/26/20	BJFP0125	RESTORING THE FED PAMYMENT	\$249,857
2020	8110	1/25/20	BJFP2020	TO ALIGN THE BUDGET WITH CAA20	(\$15,000)
2020	8110	9/30/20	BJDVFP20	CLOSE-OUT FY 20	(\$146,700)
2020	8110	12/7/20	BJDVFD21	CARRYOVER FROM 2020	\$146,700
Final Budget					\$275,000

Judicial Nomination Commission					
FY 2021 REPROGRAMMING LIST					
LOCAL				Starting Budget	\$35,569
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT
2021	0100				\$0
				Final Budget	\$35,569

Federal Payment				Starting Budget	\$275,000
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT
2021	8110				
				Final Budget	\$275,000

Judicial Nomination Commission FY2020

Agency Judicial Nomination Commission

Agency Code DV0

Fiscal Year 2020

Mission The mission of the District of Columbia Judicial Nomination Commission (JNC) is to screen, select, and recommend candidates to the President of the United States for his consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia. The JNC also appoints the chief judges of both courts.

Summary of Services The JNC advertises judicial vacancies, solicits applications, conducts background investigations, carefully reviews investigative materials, reads briefs and other application materials, interviews applicants, solicits and considers input from the bench, bar, and public regarding applicants' fitness to serve, and carefully evaluates each candidate's application and background. The JNC also appoints the chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia.

2020 Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
The Judicial Nomination Commission (JNC or Commission) conducted live, virtual, and "open conference call" outreach sessions despite the impacts related to the COVID-19 pandemic. The purpose of these outreach sessions was to educate members of DC's legal community about the DC Courts' judicial selection process and to provide practical advice for prospective applicants. Another goal of the JNC's outreach sessions was to increase the number of qualified applicants for judicial vacancies and the diversity of the applicant pool.	By providing frequent opportunities for individuals to learn and ask questions about the judicial selection process in DC, outreach sessions allow for greater transparency regarding the JNC's work. Additionally, a robust applicant pool helps ensure that the JNC can transmit strong candidate lists to the President of the United States to fill judicial vacancies on the DC Courts with individuals with a high degree of skills and qualifications.	Holding outreach sessions allows DC residents to understand better how the judicial selection process works in the DC Courts. As such, there is increased engagement with the judicial branch, which impacts the day-to-day lives of DC residents and shapes the professions of those in the DC legal community. Moreover, expanding the applicant pool for judicial vacancies allows it to include a broader range of backgrounds and professional experiences. The breadth of experience of those who serve on the bench directly impacts DC residents because judges of the DC Courts make daily decisions that affect many DC residents.
The JNC issued a Notice of Final Rulemaking on November 15, 2019, to clarify ambiguities in the procedures relating to applicants' status on judicial nomination lists and codify what constitutes a quorum for the adoption of an action by the Commission. Additionally, the JNC issued a Notice of Second Proposed Rulemaking and a Notice of Final Rulemaking in the District of Columbia Register on December 20, 2019, and March 13, 2020, respectively, to promulgate and adopt a new Section 2102 (Applications for Judicial Nominations) in the Home Rule Act to clarify certain application procedures for judicial candidates including those relating to qualifying professional activities, as well as certain other application procedures for judicial candidates.	The procedural clarifications increase the nomination procedure's efficiency by allowing the JNC to start the judicial application process anew under certain circumstances. They will also increase the pool of qualified applicants by specifying the date by which an applicant for a judicial vacancy must have accumulated five years of qualifying experience. Procedures in the Home Rule Act are ambiguous as to what happens when the Senate fails to confirm a nominee or returns a nomination. The rulemaking specifies that when the Senate rejects, returns, or fails to take action on a nomination by the end of a Senate session, the nomination will be deemed rejected, and the President will have 60 days to make another nomination. If the President does not make another nomination within 60 days, the list of candidates is deemed expired, and the Commission submits another list to the President, starting the application process anew. The rulemaking specifies that the applicant must accumulate five years of qualifying experience immediately prior to the date that the Commission recommends the person to the President rather than by the date the person submits the application.	The rules adopted will increase the nomination procedure's efficiency in the DC Courts, ideally address the number of judicial vacancies on the DC Courts, and increase the pool of qualified applicants. Reducing the number of judicial vacancies on the DC Courts will positively impact the fair and effective administration of justice for DC residents. Also, the rulemaking will promote the public interest in the effective and equitable administration of justice.
The JNC implemented a cost-effective and user-friendly web portal via SeamlessDocs that allows applicants to submit their application materials online securely. This portal was especially important during the COVID-19 shutdown and enabled the JNC to continue the work necessary for executing its mission of recommending judicial applicants to the President of the United States.	Using SeamlessDocs will increase the nomination procedure's efficiency in the DC Courts and ideally ease certain burdens for judicial applicants. It will also provide a secure applicant database and application web portal to promote trust and integrity in the judicial nomination application process.	SeamlessDocs will modernize the JNC's application submission process by eliminating the need for judicial applicants to deliver their application materials in-person during business hours or rely upon the United States Postal Service or other shipping providers to timely submit their application materials. Further, by eliminating the need for JNC staff to manually scan and upload application materials to its electronic applicant database, the SeamlessDocs web portal will streamline the agency's internal operations.

2020 Key Performance Indicators

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Target	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020 Actual	KPI Status	Explanation for Unmet FY 2020 Target
1 - Increase the pool of highly qualified applicants to fill each judicial vacancy within the required 60- day period either prior to or following the occurrence of a vacancy in accordance with the agency's governing statute. (2 Measures)												
Percent of candidate panels for judicial vacancies presented within statutory time frames	Annually	100%	100%	100%	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
Percent of required background investigations on judicial vacancy applicants conducted and completed within statutory time frames	Annually	100%	100%	100%	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	

2020 Workload Measures

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020
1 - Screen, select, and recommend candidates to the President of the United States for consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia (4 Measures)							
Number of Superior Court Judicial Vacancies	5	5	Annual Measure	Annual Measure	Annual Measure	Annual Measure	6
Number of Court of Appeals Judicial Vacancies	0	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	2
Number of Superior Court Chief Judge Designations	0	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	1

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020
Number of Court of Appeals Chief Judge Designations	0	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	0

2020 Operations

Operations Header	Operations Title	Operations Description	Type of Operations
1 - Increase the pool of highly qualified applicants to fill each judicial vacancy within the required 60- day period either prior to or following the occurrence of a vacancy in accordance with the agency's governing statute. (1 Activity)			
COMMISSION ADMINISTRATION AND SUPPORT	Screen, select, and recommend candidates to the President of the United States for consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia	The JNC advertises judicial vacancies, solicits applications, conducts background investigations, carefully reviews investigative materials, reads briefs and other application materials, interviews applicants, solicits and considers input from the bench, bar, and public regarding applicants' fitness to serve, and carefully evaluates each candidate's application and background.	Daily Service

2020 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
No strategic initiatives found				

Judicial Nomination Commission FY2021

Agency Judicial Nomination Commission

Agency Code DVO

Fiscal Year 2021

Mission The mission of the District of Columbia Judicial Nomination Commission (JNC) is to screen, select, and recommend candidates to the President of the United States for his consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia. The JNC also appoints the chief judges of both courts.

Strategic Objectives

Objective Number	Strategic Objective
1	Increase the pool of highly qualified applicants to fill each judicial vacancy within the required 60- day period either prior to or following the occurrence of a vacancy in accordance with the agency's governing statute.

Key Performance Indicators

Measure	Directionality	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Target
1 - Increase the pool of highly qualified applicants to fill each judicial vacancy within the required 60- day period either prior to or following the occurrence of a vacancy in accordance with the agency's governing statute. (2 Measures)					
Percent of candidate panels for judicial vacancies presented within statutory time frames	Up is Better	100%	100%	100%	100%
Percent of required background investigations on judicial vacancy applicants conducted and completed within statutory time frames	Up is Better	100%	100%	100%	100%

Operations

Operations Header	Operations Title	Operations Description	Type of Operations
1 - Increase the pool of highly qualified applicants to fill each judicial vacancy within the required 60- day period either prior to or following the occurrence of a vacancy in accordance with the agency's governing statute. (1 Activity)			
COMMISSION ADMINISTRATION AND SUPPORT	Screen, select, and recommend candidates to the President of the United States for consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia	The JNC advertises judicial vacancies, solicits applications, conducts background investigations, carefully reviews investigative materials, reads briefs and other application materials, interviews applicants, solicits and considers input from the bench, bar, and public regarding applicants' fitness to serve, and carefully evaluates each candidate's application and background.	Daily Service

Workload Measures

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual
1 - Screen, select, and recommend candidates to the President of the United States for consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia (4 Measures)			
Number of Superior Court Judicial Vacancies	5	5	6
Number of Court of Appeals Judicial Vacancies	0	0	2
Number of Superior Court Chief Judge Designations	0	0	1
Number of Court of Appeals Chief Judge Designations	0	0	0

Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Proposed Completion Date
No strategic initiatives found		

Members of the DC JNC as of 1/31/21

Member	Appointing Body	First term	Current Term End
Emmet G. Sullivan	USDDC - CJ	5/10/2001	12/31/2023
Addy R. Schmitt	POTUS	1/19/2017	1/19/2022
William Lucy ¹	Mayor	2/28/1975	2/27/2020
Benjamin Wilson	Mayor	2/17/2017	2/27/2022
Hon. Marie Johns	DC Council	11/11/2017	4/7/2023
John McAvoy	DC Bar Board of Governors	3/1/2016	1/1/2022
Deborah Epstein	DC Bar Board of Governors	1/2/2020	1/1/2026

¹ Although William Lucy's term expired, Commissioners usually continue to serve until their replacement is named.



District of Columbia Government TRAINING TRANSCRIPT



Name: Tracy Nutall

ID: 00115547

As of Date: February 4, 2021



"Improving lives through learning"

Course name	Completion Date	Class Hours	Credit Hours	Administering Agency*
MSS Approve Time - Online	2020-10-20	.5	0	Ofc Chief Financial Officer
ESS Time Entry -Online	2020-10-20	.5	0	Ofc Chief Financial Officer
MSS Time Entry - Online	2020-10-20	.5	0	Ofc Chief Financial Officer
Coaching Techniques That Insp	2020-11-03	2.5	0	Dept of Human Resources
Emotional Intelligence at Work	2020-11-03	0	0	Dept of Human Resources
Sexual Harassment Prevention f	2020-10-20	.5	0	Disability Services
Using/Managing the DC PCard	2020-11-06	3	0	Contracting and Procurement

*Training Administration Notice

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Certificate of Achievement

Tracy Nutall

has successfully completed

Your Security Awareness Journey

December 28, 2020



Certificate of Achievement

Tracy Nutall

has successfully completed

What is Social Engineering

December 28, 2020



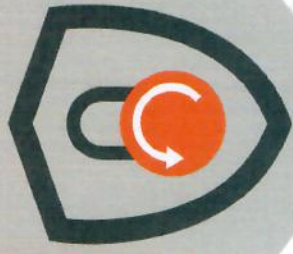
Certificate of Achievement

Tracy Nutall

has successfully completed

2018 Creating Strong Passwords

December 28, 2020



Certificate of Achievement

Tracy Nutall

has successfully completed

2019 Danger Zone

December 28, 2020



Certificate of Achievement

Tracy Nutall

has successfully completed

Standups 4 Security Series with Quiz: Don't Trust Anybody - CEO Scam

December 28, 2020



Certificate of Achievement

Tracy Nutall

has successfully completed

Phish Catcher Game

December 28, 2020



Certificate of Achievement

Tracy Nutall

has successfully completed

Spot the Phish Game

December 28, 2020



District of Columbia Government TRAINING TRANSCRIPT



"Improving lives through learning"

Name: Ms Cecelia Harper
ID: 00088578
As of Date: February 4, 2021

Course name	Completion Date	Class Hours	Credit Hours	Administering Agency*
MSS Approve Time - Online	2020-08-13	.5	0	Ofc Chief Financial Officer
ESS Time Entry -Online	2020-08-13	.5	0	Ofc Chief Financial Officer
MSS Time Entry - Online	2020-08-13	.5	0	Ofc Chief Financial Officer
Overcoming Unconscious Bias	2018-06-15	25	0	Dept of Human Resources
Overcoming Your Own Unconsci	2018-06-15	22	0	Dept of Human Resources
Understanding Unconscious Bi	2018-06-15	25	0	Dept of Human Resources
Procrastination: Admitting i	2017-05-24	20	0	Dept of Human Resources
Developing Your Business Eth	2019-12-12	26	0	Dept of Human Resources
Your Role in Workplace Diver	2019-12-19	30	0	Dept of Human Resources
How to Manage Difficult Conv	2017-05-24	29	0	Dept of Human Resources
Being an Effective Manager W	2017-05-25	22	0	Dept of Human Resources
Facing Challenges as a First	2017-05-25	19	0	Dept of Human Resources
The Reality of Being a First	2017-05-26	26	0	Dept of Human Resources
The Reality of Being a First	2017-05-26	26	0	Dept of Human Resources

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Career and Family Challenges	2019-12-12	19	0	Dept of Human Resources
Leveraging Emotional Intelli	2018-03-09	28	0	Dept of Human Resources
Facing Confrontation in Cust	2018-07-12	27	0	Dept of Human Resources
Polishing Your Skills for Ex	2017-05-24	24	0	Dept of Human Resources
Dealing with Customer Servic	2018-07-12	30	0	Dept of Human Resources
Controlling Conflict, Stress	2018-07-12	32	0	Dept of Human Resources
Ready, Set, Goal!	2018-05-22	6	0	Dept of Human Resources
Adapting Your Conflict Style	2016-03-29	0	0	Dept of Human Resources
Improving Your Technical Wri	2018-02-28	22	0	Dept of Human Resources
Troublesome Words and Phrase	2018-03-27	29	0	Dept of Human Resources
How Culture Impacts Communic	2018-03-30	30	0	Dept of Human Resources
Digital Marketing: Customer	2018-03-27	0	0	Dept of Human Resources
Mastering Active Listening	2016-11-23	0	0	Dept of Human Resources
Using Internet Explorer 11: Ef	2018-03-30	0	0	Dept of Human Resources
Achieve Productivity in Your	2018-03-08	19	0	Dept of Human Resources
Take a Deep Breath and Manag	2019-12-12	22	0	Dept of Human Resources
Staying Balanced in a Shifti	2018-03-22	15	0	Dept of Human Resources
Listening Even When it's Diff	2018-03-30	32	0	Dept of Human Resources
Navigating Your Own Emotions	2018-03-23	29	0	Dept of Human Resources
Art of Time Management	2018-05-22	6	0	Dept of Human Resources
The Basics of Contact Tracing	2020-08-10	1	0	Dept of Human Resources
The Basics of Coronavirus	2020-08-05	1	0	Dept of Human Resources
Preventing Unhealthy Workplace	2016-03-16	0	0	Dept of Human Resources
Working Out and Thorough Confl	2016-03-28	0	0	Dept of Human Resources
Adobe Acrobat DC Fundamentals	2018-03-02	0	0	Dept of Human Resources
LGBT Cultural CompetencyOnline	2015-10-20	1	0	Dept of Human Resources
Professional Networking Essent	2016-11-23	0	0	Dept of Human Resources
Professional Networking Essent	2017-04-04	0	0	Dept of Human Resources

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Sexual Harassment Prevention f	2018-01-29	.5	0	Dept of Human Resources
Public Speaking Strategies: Pr	2017-04-10	0	0	Dept of Human Resources
Public Speaking Strategies: Co	2017-04-06	0	0	Dept of Human Resources
Optimizing Your Work/Life Bala	2016-03-25	0	0	Dept of Human Resources
Optimizing Your Work/Life Bala	2016-03-25	0	0	Dept of Human Resources
Principles of Accounting and F	2017-04-11	0	0	Dept of Human Resources
Principles of Accounting and F	2017-04-11	0	0	Dept of Human Resources
Writing under Pressure: Prepar	2017-04-06	0	0	Dept of Human Resources
Workplace Safety Orientation	2017-05-22	0	0	Dept of Human Resources
Telecommuting Basics: Maximizi	2016-03-16	0	0	Dept of Human Resources
Telecommuting Basics: Communic	2016-03-16	0	0	Dept of Human Resources
EEO and Lawful Hiring	2017-05-22	0	0	Dept of Human Resources
Diversity on the Job: The Impo	2017-04-04	0	0	Dept of Human Resources
Diversity on the Job: Diversit	2016-11-23	0	0	Dept of Human Resources
Delegating Appropriate Tasks	2016-11-23	0	0	Dept of Human Resources
Delegating Appropriate Tasks	2016-11-23	0	0	Dept of Human Resources
Listening Essentials: The Basi	2017-05-11	0	0	Dept of Human Resources
Listening Essentials: The Basi	2017-05-11	0	0	Dept of Human Resources
Multigenerational Workplace	2017-06-05	3	.3	Dept of Human Resources
Handling People with Tact	2017-07-07	6	.6	Dept of Human Resources
Handling People with Tact	2017-07-07	6	.6	Dept of Human Resources
Effective Presentation Skills	2016-03-11	12	1.2	Dept of Human Resources
Microsoft Access 2010-Level I	2015-11-13	6	0	Dept of Human Resources
Ethics for DC Employees-Online	2018-04-11	1	0	Dept of Human Resources
Communicating Non-Defensively	2016-03-03	6	.6	Dept of Human Resources
Work-Life Effectiveness	2017-06-16	3	.3	Dept of Human Resources
Understanding Stress	2017-10-26	6	.6	Dept of Human Resources
Writing for Essential Comm	2017-06-16	12	1.2	Dept of Human Resources

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Using/Managing the DC PCard	2020-09-24	3	0	Contracting and Procurement
Contract Admin./ E-Val Monitor	2015-11-06	3.5	0	Contracting and Procurement
Intro to DC Gov't Contracting	2015-11-06	6.5	.6	Contracting and Procurement
Effective Statements of Work	2016-04-25	6.5	0	Contracting and Procurement
PASS Buyer	2015-10-13	2	0	Contracting and Procurement
OCTO Cyber Security (KB4)	2020-01-30	.5	0	Office of the Chief Technology
Cybersecurity Awareness Traini	2017-02-15	1	.5	Office of the Chief Technology
Cybersecurity Awareness Traini	2018-03-02	1	.5	Office of the Chief Technology

***Training Administration Notice**

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Certificate of Achievement

Cecelia Harper

has successfully completed

District of Columbia Government - Security Awareness Fundamentals

December 01, 2020



Certificate of Achievement

Cecelia Harper

has successfully completed

Cyber Essentials Series: Working Remotely

December 01, 2020



District of Columbia Government TRAINING TRANSCRIPT



"Improving lives through learning"

Name: Ms Bianca Garcia
ID: 00102022
As of Date: July 2, 2020

Course name	Completion Date	Class Hours	Credit Hours	Administering Agency*
PASS Buyer	2018-04-19	2	0	Contracting and Procurement
Managing the DC Purchase Card	2018-04-10	3	0	Contracting and Procurement
LGBT Cultural Competency	2018-03-30	2	0	Dept of Human Resources
Using the DC Purchase Card	2018-04-10	3	0	Contracting and Procurement
Sexual Harassment Prevention f	2018-03-01	.5	0	Dept of Human Resources
Paid Family Leave	2018-03-29	2	0	Dept of Human Resources
MSS Approve Time - Online	2019-02-14	.5	0	Ofc Chief Financial Officer
MSS Time Entry - Online	2019-02-14	.5	0	Ofc Chief Financial Officer
Cybersecurity Awareness Traini	2018-03-01	1	.5	Office of the Chief Technology
Cybersecurity Awareness Traini	2018-03-01	1	.5	Office of the Chief Technology
9.2 Core HR & Position Mgmt	2018-03-15	3	0	Dept of Human Resources
The Basics of Coronavirus	2020-07-02	1	0	Dept of Human Resources
The Basics of Contact Tracing	2020-07-02	1	0	Dept of Human Resources
Sexual Harassment Prevention f	2020-01-28	.5	0	Disability Services

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OCTO Cyber Security (KB4)

9.2 eRecruit (HR)

2020-01-29

.5

0

Office of the Chief Technology

2018-03-07

6

0

Dept of Human Resources

***Training Administration Notice**

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JNC Outreach Events Held and/or Calendared 10/1/15 to date

Date	Host	Participants
1/20/2016	Washington Council of Lawyers	20
3/16/2016	DC Office of Attorney General	25
5/2/2016	US Attorneys Office - DC	25
7/20/2016	Washington Bar Association - Internship	50
10/13/2016	Washington Bar Association	20
10/20/2016	Hispanic Bar Association of DC	20
10/21/2016	Phi Alpha Delta - students and alumnae	20
12/7/2016	Asian Pacific American Bar Association -DC; Women's Bar Association of DC; Capital Area Muslim Area Bar Association; Native American Bar Association	25
1/24/2017	GWU Law School	[canceled by school - conflict with another event]
3/15/2017	Catholic University Law School	[canceled by JNC due to conflict]
4/7/2017	DC Bar Judicial Conference	Unknown
5/23/2017	DC Office of Attorney General	Unknown
6/8/2017	Superior Court – Panel Attorneys	Unknown
7/6/2017	Diverse Partners Network	Unknown
7/21/2017	DC Superior Court Interns	Unknown
9/27/2017	DOJ Ahead & Affinity Groups	20-25
10/11/2017	Superior Court – Panel Attorneys (CJA, CCAN, DC Agency GCs, OAG, USAO, etc.)	Unknown
3/26/2018	Greater Washington Area Chapter of the Women Lawyers Division of the National Bar Association (GWAC) and the Washington Bar Association Young Lawyers Division	25
7/2/2018	US District Court for DC – Summer Speaker Series	50
7/11/2018	Hispanic Bar Association of DC Summer Judicial Internship Program, Washington Bar Association Summer Judicial Internship Program, DC Office of Administrative Hearings Summer Internship Program, and DC Superior Court Interns	60
10/2/2018	American University Washington College of Law	25-30
1/29/2019	GWAC and Washington Council of Lawyers	[Postponed due to weather—new date TBD; 62 RSVPs]
3/13/2019	GWAC and Washington Council of Lawyers	30
4/12/2019	2019 DC Judicial and Bar Conference	30

5/7/2019	United States Attorney's Office for the District of Columbia	70
5/17/2019	US District Court for DC – Summer Speaker Series	20
7/10/2019	Hispanic Bar Association of DC Summer Judicial Internship Program, Washington Bar Association Summer Judicial Internship Program, DC Office of Administrative Hearings Summer Internship Program, and DC Superior Court Interns	60
11/13/2019	Howard University School of Law	25
3/2/2020	Washington Bar Association, GWAC, and the National Association of Women Judges	60
4/23/2020	US Department of Justice Association of Black Attorneys	[canceled by host due to COVID-19]
11/12/2020	GWAC/National Bar Association, Women Lawyers Division – Virtual	105
1/28/2021	US Department of Justice Association of Black Attorneys - Virtual	51

JNC Online Application Submissions March 9, 2020 to Date

Vacancy & Date	Number of Applicants	Number of Online¹ Applications	Percentage of Online Applications
Broderick – March 2020	27	16	59%
DCSC CJ Designation – April 2020	3	2	67%
Morin – July 2020	14	13	93%
DCCA CJ Designation – October 2020	1	1	100%
Beck – October 2020	25	25	100%

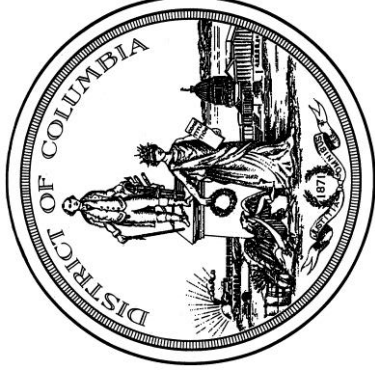
¹ Using Seamless Docs web-portal.

Judicial Vacancy Information (10/1/15 – 2/6/2021)					
Vacancy (Court/Year)	Open as of 2/6/21?	JNC Recommendation Date	Nominee & Date of Nomination and/or Renomination	Senate Action	Senate Status
Oberly (DCCA/2013)	YES	12/18/13	Todd S. Kim (nom 2/14/14 and renom 4/30/15)	PN1470-113 Returned to POTUS PN425-114 Returned to POTUS 1/3/17	n/a
		04/28/20	Hon. John P. Howard, III (nom. 6/25/2020; renom. 1/3/2021)	PN2064-116 Returned to POTUS 1/3/2021	n/a
				PN14-117 Referred to Committee 1/3/2021. Withdrawn by President Biden 2/4/2021	n/a
Washington (DCCA/2016)	NO	5/10/2017	Joshua A. Deahl (nom. 6/29/2017; re- nom. 5/2/19)	PN727-115 Returned to POTUS 1/4/19 PN704-116 Confirmed after hearing 11/21/19	CONFIRMED
Fisher (DCCA/2020)	Yes	4/28/2020	Vijay Shanker (nom. 6/25/2020; renom. 1/3/2021)	PN2065-116 Returned to POTUS 1/3/2021	n/a
				PN19-117 Referred to Committee 1/3/2021 Withdrawn by President Biden 2/4/2021	n/a
Christian (DCSC/2010)	NO	11/28/10	Donna Murphy (nom 2/3/11) <i>withdrew after return</i>	Returned to POTUS 1/3/13	n/a
			Judge Steven M. Wellner (nom 1/6/14 and renom 4/30/15)	PN1166-113 Returned to POTUS	CONFIRMED
				PN422-114 Confirmed after hearing 11/19/15	
Burgess (DCSC/2013)	NO	5/15/13	Judge William W. Nooter (nom 1/6/14 and renom 4/30/15)	PN1168-113 on Sen Exec Calendar; returned to POTUS 12/17/14	CONFIRMED
				PN423-114 confirmed after hearing 11/19/15	
Greene (DCSC/2013)	NO	10/31/13	Sherry M. Trafford (nom 11/13) <i>withdrew after return</i>	PN1167-113 Returned to POTUS 12/17/14	n/a
			Judge Darlene Soltys (nom 7/9/15)	PN645-114 – Confirmed after hearing 12/17/15	CONFIRMED
Richter (DCSC/2014)	NO	7/31/14	Judge Robert A Salerno (nom 9/30/14 and renom 4/30/15)	PN2101-113 Returned to POTUS 12/17/14	CONFIRMED
				PN424-114 Confirmed after hearing 12/17/15	
Dixon (DCSC/2015)	NO	3/2/15	Judge Julie H. Becker (nom 4/30/15)	PN421-114 Confirmed after hearing 6/23/16	CONFIRMED

Judicial Vacancy Information (10/1/15 – 2/6/2021)					
Vacancy (Court/Year)	Open as of 2/6/21?	JNC Recommendation Date	Nominee & Date of Nomination and/or Renomination	Senate Action	Senate Status
Keary (DCSC/2015)	NO	9/30/15	Judge Elizabeth C. Wingo (nom 11/30/15)	PN1001-114 Confirmed after hearing 6/23/16	CONFIRMED
Cushenberry (DCSC/2015)	NO	9/30/15	Judge Steven N. Berk (nom 11/30/15)	PN-1000-114 Confirmed after hearing 6/23/16	CONFIRMED
Macaluso (DCSC/2015)	NO	5/15/16	Jason D. Tulley (nom 6/29/16)	PN1589-114 Returned to POTUS 1/3/17	CONFIRMED
			Judge Rainey R. Brandt (nom 9/7/17; renom 3/11/19)	PN995-115 Returned to POTUS 1/4/19	
				PN507-116 Confirmed after hearing 8/1/19	
Wright (DCSC/2016)	NO	8/1/16	Deborah J. Israel (nom 9/27/16; renom 9/7/17 and 5/2/19)	PN1792-114 Returned to POTUS 1/3/17	CONFIRMED
				PN996-115 Returned to POTUS 1/4/19	
				PN 715-116 Confirmed after hearing 11/21/19	
Winston (DCSC/2016)	YES	8/1/16	Julie R. Breslow (nom 9/30/16)	PN1791-114 Returned to POTUS 1/3/17	n/a
Nash (DCSC/2016)	NO	8/1/16	Carmen G. McLean (nom 9/30/16)	PN1793-114 Returned to POTUS 1/3/17	CONFIRMED
			Andrea L. Hertzfeld (nom. 5/6/19)	PN 717-116 Confirmed after hearing 11/21/19	
Satterfield (DCSC/2016)	YES	10/5/16	Rainey R. Brandt (nom. 11/5/16)	PN1805-114 Returned to POTUS 1/3/17	n/a
			Elizabeth Shapiro (nom. 5/23/19; renom. 1/3/2021)	PN 798-116 Returned to POTUS 1/3/2021 PN20-117 Referred to Committee 1/3/2021 Withdrawn by President Biden 2/4/2021	n/a
Clark (DCSC/2016)	NO	1/12/17	Jonathan H. Pittman (nom. 3/9/17)	PN91-115 Confirmed after hearing 1/25/18	CONFIRMED
Jackson (DCSC/2017)	NO	9/13/2017	Carmen G. McLean (nom. 10/30/17)	PN1187 Confirmed after hearing 1/2/19	CONFIRMED
Bush (DCSC/2017)	NO	12/7/2017	Shana Frost Matini (nom. 2/5/2018)	PN 1547-115 Returned to POTUS 1/3/19	CONFIRMED
				PN 508-116 Confirmed after hearing 8/1/19	
Motley (DCSC/2017)	NO	12/7/2017	Kelly Higashi (nom. 2/5/2018)	PN 1546 Confirmed after hearing 7/12/18	CONFIRMED

Judicial Vacancy Information (10/1/15 – 2/6/2021)					
Vacancy (Court/Year)	Open as of 2/6/21?	JNC Recommendation Date	Nominee & Date of Nomination and/or Renomination	Senate Action	Senate Status
Weisberg (DCSC/2017)	YES	1/8/2018	Hon. Rahkel Bouchet (nom. 3/19/18, by JNC)	(no PN because not a presidential nomination) Effectively expired at the conclusion of the 115th Congress	n/a
Canan (DCSC/2017)	YES	3/14/18	Melissa Zappala (nom. 5/25/18, by JNC)	(no PN because not a presidential nomination) Effectively expired at the conclusion of the 115th Congress	n/a
Mott (DCSC/2018)	NO	11/27/18	Jason Park (nom. 1/24/19)	PN 265-116 Confirmed after hearing 8/1/19	CONFIRMED
Holeman (DCSC/2018)	NO	11/27/18	James Crowell (nom. 1/24/19)	PN 264-116 Confirmed after hearing 8/1/19	CONFIRMED
Ramsey Johnson (DCSC/2019)	YES	7/10/19	Hon. Rahkel Bouchet (nom. 9/9/19; renom. 1/3/2021)	PN 1048-116 Returned to POTUS 1/3/21	n/a
				PN12-117 Referred to Committee 1/3/21 Withdrawn by President Biden 2/4/2021	
Rankin (DCSC/2019)	YES	10/21/19	Mark A. Robbins (nom. 11/19/19; renom. 1/3/21)	PN 1283-116 Returned to POTUS 1/3/21	n/a
				PN17-117 Referred to Committee 1/3/21 Withdrawn by President Biden 2/4/2021	
Bartnoff (DCSC/2019)	YES	10/21/19	Carl E. Ross (nom. 11/19/19; renom. 1/3/21)	PN1284-116 Returned to POTUS 1/3/21	n/a
				PN18-117 Referred to Committee 1/3/21 Withdrawn by President Biden 2/4/2021	
Dalton (DCSC/2020)	YES	3/19/2020	Danny Lam Nguyen (nom. 5/14/2020; renom. 1/3/21)	PN903-116 Returned to POTUS 1/3/21	n/a
				PN16-117 Referred to Committee 1/3/21 Withdrawn by President Biden 2/4/2021	
Gardner (DCSC/2020)	YES	3/19/2020	John C. Truong	PN1902-116 Returned to POTUS 1/3/21	n/a

Judicial Vacancy Information (10/1/15 – 2/6/2021)					
Vacancy (Court/Year)	Open as of 2/6/21?	JNC Recommendation Date	Nominee & Date of Nomination and/or Renomination	Senate Action	Senate Status
			(nom. 5/14/20; renom. 1/3/21	PN21-117 Referred to Committee 1/3/31 Withdrawn by President Biden 2/4/2021	
Broderick (DCSC/2020)	YES	7/23/20	Hon. Sharon E. Goodie (nom. 9/17/20)	PN2242-116 Returned to POTUS 1/3/21	n/a
Morin (DCSC/2020)	YES	11/23/20	Hon. Sharon E. Goodie (nom. 1/3/21)	PN13-117 Referred to Committee 1/3/21 Withdrawn by President Biden 2/4/2021	n/a
Beck (DCSC/2020)	NO	n/a (statutory deadline is 3/9/2021)	n/a	n/a	n/a



**District of Columbia Judicial Nomination Commission
Report of Recommendations and Chief Judge Designations
and Presidential Appointments to the
District of Columbia Court of Appeals and the
Superior Court of the District of Columbia
May 8, 1975 to September 30, 2020**

INTRODUCTION

On October 31, 2011, at the suggestion of Addy Schmitt, Esq., and the tireless and meticulous efforts of Ms. Schmitt; Kim Whatley, the former Executive Director of the District of Columbia Judicial Nomination Commission (“JNC” or “Commission”); and Joseph R.A. Fruth, Summer Intern, the JNC published an historic report of recommendations made to the President of the United States, Presidential appointments to the District of Columbia courts, and the JNC’s designations of the Chief Judges for those courts, with the commitment to update the report annually. Information in this update is current through September 30, 2020.

The District of Columbia Court of Appeals and the Superior Court of the District of Columbia were established by Congress on July 29, 1970 (Pub. L. No. 91-358, 84 Stat. 473). The District of Columbia Judicial Nomination Commission was established by Congress on December 24, 1973 (Publ. L. No. 93-198, 87 Stat. 795). The JNC is composed of seven members—two appointed by the Mayor of the District of Columbia, two by the Board of Governors of the District of Columbia Bar Association (Unified), one by the Council of the District of Columbia, one by the President of the United States, and one judicial member appointed by the Chief Judge of the United States District Court for the District of Columbia. Each member is appointed for a six-year term, except the member appointed by the President, who is appointed for a five-year term.

The mission of the JNC is to provide the citizens of the District of Columbia with the best possible court system by (a) soliciting a diverse and talented pool of applicants for each judicial vacancy; (b) screening applicants to ensure they have the requisite experience, skill, temperament, and qualifications for judicial office; and (c) recommending the three most qualified applicants to the President of the United States for his or her consideration in selecting a nominee to fill each judicial vacancy on the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The JNC also designates the Chief Judges of the District of Columbia courts for four-year terms.

In creating this report, the JNC has endeavored to ensure accuracy and completeness. Please bring any errors to the JNC’s attention, so they may be corrected as soon as practicable.

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JNC Recommendations and Presidential Appointments to the District of Columbia Court of Appeals (Court of Appeals)

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Hubert B. Pair ¹ Court of Appeals	Retired	May 8, 1975	Wiley A. Branton Arthur L. Burnett Julia C. Mack	Julia C. Mack, appointed by President Ford
Gerard D. Reilly ² Court of Appeals	Retired	August 27, 1976	Vincent H. Cohen Theodore R. Newman, Jr. J. Clay Smith	Theodore R. Newman, Jr., appointed by President Ford
Austin L. Fickling ³ Court of Appeals	Deceased	May 5, 1977	Sylvia A. Bacon John M. Ferren Richard J. Medalie	John M. Ferren, appointed by President Carter
J. Walter Yeagley ⁴ Court of Appeals	Retired	March 21, 1979	William C. Pryor Lawrence Speiser Paul R. Webber, III	William C. Pryor, appointed by President Carter
George R. Gallagher ⁵ Court of Appeals	Retired	March 29, 1981	James A. Belson Jesse W. Doolittle, Jr. William C. Gardner	James A. Belson, appointed by President Reagan
Stanley S. Harris ⁶ Court of Appeals	Retired	March 6, 1982	Sylvia Bacon Jesse W. Doolittle, Jr. John A. Terry	John A. Terry, appointed by President Reagan
Catherine B. Kelly ⁷ Court of Appeals	Retired	April 29, 1983	Zona F. Hostetler Daniel R. Ohlbaum Judith W. Rogers	Judith W. Rogers, appointed by President Reagan
John W. Kern, III ⁸ Court of Appeals	Retired	June 15, 1984	Andrew L. Frey ⁹ John T. Rich John M. Steadman	John M. Steadman, appointed by President Reagan

¹ Hubert Pair was appointed in 1970 by President Nixon.

² Gerard Reilly was appointed in 1970 by President Nixon and designated Chief Judge on July 24, 1972 by President Nixon.

³ Austin Fickling was appointed in 1967 by President Johnson.

⁴ J. Walter Yeagley was appointed in 1970 by President Nixon.

⁵ George Gallagher was appointed in 1967 by President Johnson.

⁶ Stanley Harris was appointed to the Superior Court of the District of Columbia in 1970 by President Nixon and to the District of Columbia Court of Appeals in 1972 by President Nixon.

⁷ Catherine Kelly was appointed in 1967 by President Johnson.

⁸ John Kern was appointed in 1968 by President Johnson.

⁹ Andrew Frey was nominated, but his nomination was returned to the President by the Senate.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Frank Q. Nebeker ¹⁰ Court of Appeals	Retired	September 9, 1987	Frederick B. Abramson Clarice R. Feldman Frank E. Schwelb	Frank E. Schwelb, appointed by President Reagan
William C. Pryor Court of Appeals	Retired	November 9, 1988	Michael W. Farrell Henry F. Greene Elizabeth Rindskopf	Michael W. Farrell, appointed by President George H.W. Bush
Julia C. Mack Court of Appeals	Retired	October 6, 1989	Henry F. Greene Noël A. Kramer Annice M. Wagner	Annice M. Wagner, appointed by President George H.W. Bush
Theodore R. Newman Court of Appeals	Retired	March 20, 1991	Warren R. King Noël A. Kramer J. Clay Smith, Jr.	Warren R. King, appointed by President George H.W. Bush
James A. Belson Court of Appeals	Retired	July 22, 1991	Inez Smith Reid Vanessa Ruiz Emmet G. Sullivan	Emmet G. Sullivan, appointed by President George H.W. Bush
Judith W. Rogers Court of Appeals	Appointed to U.S. Court of Appeals for the D.C. Circuit	May 13, 1994	Inez Smith Reid Vanessa Ruiz Susan R. Winfield	Vanessa Ruiz, appointed by President Clinton
Emmet G. Sullivan Court of Appeals	Appointed to U.S. District Court for D.C.	December 19, 1994	Erias A. Hyman Michael L. Rankin Inez Smith Reid	Inez Smith Reid, appointed by President Clinton
John M. Ferren Court of Appeals	Retired	November 20, 1997	Emilio W. Cividanes ¹¹ Stephen H. Glickman Michael L. Rankin	Stephen H. Glickman, appointed by President Clinton
Warren R. King Court of Appeals	Retired	October 20, 1998	Herbert B. Dixon, Jr. Edwin E. Huddleson, III Eric T. Washington	Eric T. Washington, appointed by President Clinton
John M. Steadman Court of Appeals	Retired	September 28, 2004	John R. Fisher Noël A. Kramer Roslyn A. Mazer	Noël A. Kramer, ¹² appointed by President George W. Bush
Annice M. Wagner Court of Appeals	Retired	April 7, 2005	Anna Blackburne-Rigsby Neal E. Kravitz Phyllis D. Thompson	John R. Fisher, ¹³ appointed by President George W. Bush

¹⁰ Frank Nebeker was appointed in 1969 by President Nixon.

¹¹ Emilio Cividanes was nominated, but his nomination was returned to the President by the Senate.

¹² Noël Kramer was nominated by President George W. Bush, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President George W. Bush.

¹³ John Fisher was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge John Steadman.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
John A. Terry Court of Appeals	Retired	March 28, 2006	Neal E. Kravitz Robert J. Spagnoletti Phyllis D. Thompson	Phyllis D. Thompson, appointed by President George W. Bush
Frank E. Schwelb Court of Appeals	Retired	March 28, 2006	Anna Blackburne-Rigsby Anita Josey-Herring Walter A. Smith, Jr.	Anna Blackburne-Rigsby, appointed by President George W. Bush
Michael W. Farrell Court of Appeals	Retired	August 21, 2008	Corinne A. Beckwith Kathryn A. Oberly Walter A. Smith, Jr.	Kathryn A. Oberly, appointed by President George W. Bush
Inez Smith Reid Court of Appeals	Retired	January 31, 2011	Corinne A. Beckwith Todd S. Kim Walter A. Smith, Jr.	Corinne A. Beckwith, appointed by President Obama
Noël A. Kramer Court of Appeals	Retired	June 14, 2011	Alan R. Burch Catharine F. Easterly Christopher T. Handman	Catharine F. Easterly, appointed by President Obama
Vanessa Ruiz Court of Appeals	Retired	September 15, 2011	Geoffrey M. Klineberg Neal E. Kravitz Roy W. McLeese	Roy W. McLeese, appointed by President Obama
Kathryn A. Oberly Court of Appeals	Retired	December 18, 2013	Todd S. Kim ¹⁴ Neal E. Kravitz Paul R.Q. Wolfson	
		April 28, 2020 ¹⁵	Loren L. AliKhan John P. Howard, III ¹⁶ Paul R.Q. Wolfson	

¹⁴ Todd Kim was nominated February 24, 2014, by President Obama. His nomination was returned to the President by the Senate, and he was re-nominated by President Obama on April 30, 2015. His nomination was returned to the President by the Senate on January 3, 2017.

¹⁵ On December 18, 2013, the Commission submitted to the President a list of three candidates for his consideration in selecting a nominee to fill the vacancy created by the retirement of Judge Oberly. On February 24, 2014, President Obama nominated Todd S. Kim, Esq., to fill this vacancy, and the Senate returned the nomination to the President on December 17, 2014. On April 30, 2015, President Obama re-nominated Mr. Kim to fill this vacancy, and the Senate returned the nomination to the President on January 3, 2017. As of December 6, 2019, no subsequent nomination for this vacancy had been made. Accordingly, pursuant to section 2103.11 of the D.C. Municipal Regulations, the list of three recommended candidates for the vacancy created by the retirement of Judge Oberly was deemed expired, and the Commission started the application process anew for this vacancy.

¹⁶ John P. Howard, III, was nominated June 25, 2020, by President Trump. As of September 30, 2020, his nomination was pending before the Senate.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Eric T. Washington Court of Appeals	Retired	May 10, 2017	Joshua A. Deahl ¹⁷ Deborah Jeffrey Geoffrey M. Klineberg	Joshua A. Deahl, appointed by President Trump
John R. Fisher Court of Appeals	Retired	April 28, 2020	Tovah R. Calderon Anthony C. Epstein Vijay Shanker ¹⁸	

¹⁷ Joshua Deahl was nominated June 29, 2017, by President Trump. His nomination was returned to the President by the Senate, and he was re-nominated on May 2, 2019 by President Trump and appointed after Senate confirmation.

¹⁸ Vijay Shanker was nominated June 25, 2020, by President Trump. As of September 30, 2020, his nomination was pending before the Senate.

JNC Chief Judge Designations for the District of Columbia Court of Appeals

JUDGE/COURT	DATE OF JNC'S DESIGNATION OR REDESIGNATION AS CHIEF JUDGE
Theodore R. Newman, Jr. Court of Appeals	October 26, 1976
Theodore R. Newman, Jr. Court of Appeals	November 5, 1980
William C. Pryor ¹⁹ Court of Appeals	October 2, 1984
Judith W. Rogers ²⁰ Court of Appeals	October 17, 1988
Judith W. Rogers Court of Appeals	August 31, 1992
Annice M. Wagner ²¹ Court of Appeals	June 13, 1994
Annice M. Wagner Court of Appeals	June 8, 1998
Annice M. Wagner Court of Appeals	June 3, 2002
Eric T. Washington ²² Court of Appeals	May 23, 2005
Eric T. Washington ²³ Court of Appeals	July 28, 2009
Eric T. Washington ²⁴ Court of Appeals	July 16, 2013
Anna Blackburne-Rigsby Court of Appeals ²⁵	February 2, 2017

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- ¹⁹ Other candidates for chief judge were Judges James Belson, John Ferren, and Judith Rogers.
- ²⁰ The other candidate for chief judge was Judge James Belson.
- ²¹ The other candidate for chief judge was Judge John Ferren.
- ²² Judge Washington was the sole candidate.
- ²³ Judge Washington was the sole candidate.
- ²⁴ Judge Washington was the sole candidate.
- ²⁵ Judge Blackburne-Rigsby was the sole candidate.

JNC Recommendations and Presidential Appointments to the Superior Court of the District of Columbia (Superior Court)

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Edward A. Beard ²⁶ Superior Court	Retired	May 8, 1975	Edwin C. Brown, Jr. Bruce S. Mencher Wilhelmina J. Rolark	Bruce S. Mencher, appointed by President Ford
George W. Draper, II ²⁷ Superior Court	Deceased	August 16, 1976	Edwin C. Brown, Jr. ²⁸ Arthur L. Burnett Dudley R. Williams	Robert A. Shuker, ²⁹ appointed by President Carter
Harry T. Alexander ³⁰ Superior Court	Retired	October 1, 1976	George W. Mitchell Robert A. Shuker Annice M. Wagner	Annice M. Wagner, appointed by President Carter
Richard R. Atkinson ³¹ Superior Court	Retired	October 1, 1976	Diane M. Sullivan Paul R. Webber, III Peter H. Wolf	Paul R. Webber, III appointed by President Carter
Theodore R. Newman, Jr. ³² Superior Court	Appointed to D.C. Court of Appeals	November 2, 1976	Gladys Kessler Lee A. Satterfield Robert M. Scott	Gladys Kessler, appointed by President Carter
Milton D. Korman ³³ Superior Court	Retired	February 22, 1977	Arthur L. Burnett Paul R. Webber, III Peter H. Wolf	Robert M. Scott, ³⁴ appointed by President Carter
Charles W. Halleck ³⁵ Superior Court	Retired	June 14, 1977	Edwin C. Brown, Jr. Diane M. Sullivan Frederick H. Weisberg	Frederick H. Weisberg, appointed by President Carter

²⁶ Edward Beard was appointed in 1953 by President Eisenhower.

²⁷ George Draper was appointed in 1971 by President Nixon.

²⁸ Edwin Brown was nominated by President Ford, but his nomination was returned to the President by the Senate.

²⁹ Robert Shuker was appointed from the list of JNC recommendations for the vacancy created by the retirement Judge Harry Alexander.

³⁰ Harry Alexander was appointed in 1966 by President Johnson.

³¹ Richard Atkinson was appointed in 1966 by President Johnson.

³² Theodore Newman was appointed to the Superior Court of the District of Columbia in 1970 by President Nixon.

³³ Milton Korman was appointed in 1967 by President Johnson.

³⁴ Robert Scott was appointed from the list of JNC recommendations for the vacancy created by the appointment of Judge Theodore R. Newman, Jr., to the District of Columbia Court of Appeals.

³⁵ Charles Halleck was appointed in 1965 by President Johnson.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Orman W. Ketcham ³⁶ Superior Court	Retired	June 14, 1977	George W. Mitchell Carlisle E. Pratt Peter H. Wolf	Carlisle E. Pratt, appointed by President Carter
Harold H. Greene ³⁷ Superior Court	Appointed to U.S. District Court for D. C.	July 20, 1978	Frank E. Schwelb Harriett R. Taylor Peter H. Wolf	Peter H. Wolf, appointed by President Carter
Robert H. Campbell ³⁸ Superior Court	Retired	February 14, 1979	George W. Mitchell Truman A. Morrison, III Henry H. Kennedy	Shellie F. Bowers, ³⁹ appointed by President Carter
DeWitt S. Hyde ⁴⁰ Superior Court	Retired	February 14, 1979	Shellie F. Bowers Harriett R. Taylor Frank E. Schwelb	Harriett R. Taylor, appointed by President Carter
John G. Penn ⁴¹ Superior Court	Appointed to U.S. District Court for D.C.	May 17, 1979	Donald L. Golden Henry H. Kennedy, Jr. Truman A. Morrison, III	Truman A. Morrison, III, appointed by President Carter
Joyce H. Green ⁴² Superior Court	Appointed to U.S. District Court for D.C.	July 11, 1979	Henry F. Greene Henry H. Kennedy, Jr. Anthony Z. Roisman	Henry H. Kennedy, Jr., appointed by President Carter
William C. Pryor ⁴³ Superior Court	Appointed to D.C. Court of Appeals	August 8, 1979	George W. Mitchell Leroy Nesbitt Frank E. Schwelb	Frank E. Schwelb, appointed by President Carter
W. Byron Sorrell ⁴⁴ Superior Court	Resigned	September 12, 1979	Iraline G. Barnes Dorothy A. Sellers Patricia M. Worthy	Iraline G. Barnes, appointed by President Carter
Alfred Burka ⁴⁵ Superior Court	Resigned	January 10, 1980	William C. Gardner Ricardo M. Urbina Patricia M. Worthy	William C. Gardner, appointed by President Carter

³⁶ Orman Ketcham was appointed in 1957 by President Eisenhower.

³⁷ Harold Greene was appointed in 1965 by President Johnson.

³⁸ Robert Campbell was appointed in 1972 by President Nixon.

³⁹ Shellie Bowers was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge DeWitt Hyde.

⁴⁰ DeWitt Hyde was appointed in 1959 by President Eisenhower.

⁴¹ John Penn was appointed in 1970 by President Nixon.

⁴² Joyce Green was appointed in 1968 by President Johnson.

⁴³ William Pryor was appointed in 1968 by President Johnson.

⁴⁴ W. Byron Sorrell was appointed in 1969 by President Nixon.

⁴⁵ Alfred Burka was appointed in 1967 by President Johnson.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Edmond T. Daly ⁴⁶ Superior Court	Deceased	July 24, 1980	Donald L. Golden Dorothy M. Sellers ⁴⁷ Robert S. Tignor	Henry F. Greene, ⁴⁸ appointed by President Reagan
Norma H. Johnson ⁴⁹ Superior Court	Appointed to U.S. District Court for D.C.	July 24, 1980	Henry F. Greene Diane M. Sullivan Ricardo M. Urbina ⁵⁰	Ricardo M. Urbina, appointed by President Reagan
Fred L. McIntyre ⁵¹ Superior Court	Retired	March 29, 1981	Bruce D. Beaudin Rufus G. King, III Amanda B. Pedersen	Warren R. King, ⁵² appointed by President Reagan
William S. Thompson ⁵³ Superior Court	Retired	March 29, 1981	Sarah E. Brown Warren R. King Reggie B. Walton	Richard S. Salzman, ⁵⁴ appointed by President Reagan
Leonard Braman ⁵⁵ Superior Court	Retired	March 29, 1981	Francis D. Carter Reginald L. Holt Richard S. Salzman	Reggie B. Walton, ⁵⁶ appointed by President Reagan
James A. Belson ⁵⁷ Superior Court	Appointed to D.C. Court of Appeals	August 19, 1981	Leroy Nesbitt Ronald P. Wertheim Patricia A. Wynn	Ronald P. Wertheim, appointed by President Reagan
William E. Stewart, Jr. ⁵⁸ Superior Court	Retired	March 22, 1982	Francis D. Carter George W. Mitchell Mathew S. Watson	George W. Mitchell, appointed by President Reagan

⁴⁶ Edmond Daly was appointed in 1963 by President Kennedy.

⁴⁷ Dorothy Sellers was nominated by President Carter, but her nomination was returned to the President by the Senate. She was then re-nominated by President Carter, but her nomination was withdrawn.

⁴⁸ Henry Greene was appointed from the list of JNC recommendations for the vacancy created by Judge Johnson's appointment to the United States District Court for the District of Columbia.

⁴⁹ Norma Johnson was appointed in 1970 by President Nixon.

⁵⁰ Ricardo Urbina was nominated by President Carter, but his nomination was returned to the President by the Senate. He was then re-nominated by President Carter, but his nomination was withdrawn. He was re-nominated and appointed by President Reagan.

⁵¹ Fred McIntyre was appointed in 1967 by President Johnson.

⁵² Warren King was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge William Thompson.

⁵³ William Thompson was appointed in 1969 by President Nixon.

⁵⁴ Richard Salzman was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Leonard Braman.

⁵⁵ Leonard Braman was appointed in 1970 by President Nixon.

⁵⁶ Reggie Walton was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge William Thompson.

⁵⁷ James Belson was appointed in 1968 by President Johnson.

⁵⁸ William Stewart was appointed in 1970 by President Nixon.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Dyer J. Taylor ⁵⁹ Superior Court	Retired	March 22, 1982	Bruce D. Beaudin Steffen W. Graae Patricia A. Wynn	Steffen W. Graae, appointed by President Reagan
Samuel B. Block ⁶⁰ Superior Court	Retired	September 23, 1982	Francis D. Carter Nan R. Huhn Virginia L. Riley	Virginia L. Riley, appointed by President Reagan
Margaret A. Haywood ⁶¹ Superior Court	Retired	October 12, 1982	Geoffrey M. Alprin Stephen F. Eilperin Patricia A. Wynn	Geoffrey M. Alprin, appointed by President Reagan
John R. Hess ⁶² Superior Court	Retired	February 18, 1983	Francis D. Carter Stephen F. Eilperin Clarice R. Feldman	Stephen F. Eilperin, appointed by President Reagan
Joseph M. F. Ryan, Jr. ⁶³ Superior Court	Retired	April 29, 1983	Florence W. Roisman John E. Scheuermann Emmet G. Sullivan	A. Franklin Burgess, Jr., ⁶⁴ appointed by President Reagan
John D. Fauntleroy ⁶⁵ Superior Court	Retired	April 29, 1983	Bruce D. Beaudin A. Franklin Burgess, Jr. Patricia W. Clement	Bruce D. Beaudin, appointed by President Reagan
David L. Norman ⁶⁶ Superior Court	Retired	June 30, 1983	Nan R. Huhn William D. Pease Robert S. Tignor	Nan R. Huhn, appointed by President Reagan
New Judicial Position (1) Superior Court	Created by Act of Congress	May 18, 1984	Ronna L. Beck Francis D. Carter William L. Davis	Susan R. Holmes, ⁶⁷ appointed by President Reagan
New Judicial Position (2) Superior Court	Created by Act of Congress	May 18, 1984	Herbert L. Dixon Nathalie P. Gilfoyle Susan R. Holmes	Rufus G. King, III, ⁶⁸ appointed by President Reagan

⁵⁹ Dyer Taylor was appointed in 1970 by President Nixon.

⁶⁰ Samuel Block was appointed in 1972 by President Nixon.

⁶¹ Margaret Haywood was appointed in 1972 by President Nixon.

⁶² John Hess was appointed in 1972 by President Nixon.

⁶³ Joseph Ryan was appointed in 1960 by President Eisenhower.

⁶⁴ A. Franklin Burgess was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge John Fauntleroy.

⁶⁵ John Fauntleroy was appointed in 1967 by President Johnson.

⁶⁶ David Norman was appointed in 1973 by President Nixon.

⁶⁷ Susan Holmes was appointed from the list of JNC recommendations for the vacancy created by the second new Superior Court judicial position.

⁶⁸ Rufus King was appointed from the list of JNC recommendations for the vacancy created by the third new Superior Court judicial position.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
New Judicial Position (3) Superior Court	Created by Act of Congress	May 18, 1984	Rufus G. King, III Colleen Kollar-Kotelly Noël A. Kramer	Colleen Kollar-Kotelly, appointed by President Reagan
New Judicial Position (4) Superior Court	Created by Act of Congress	May 18, 1984	David H. Marlin Gregory E. Mize Leroy Nesbitt	Noël A. Kramer, ⁶⁹ appointed by President Reagan
New Judicial Position (5) Superior Court	Created by Act of Congress	May 18, 1984	Evelyn E. Queen Charles L. Reischel Robert I. Richter	Robert I. Richter, appointed by President Reagan
New Judicial Position (6) Superior Court	Created by Act of Congress	May 18, 1984	William L. Robinson John E. Scheuermann John H. Suda	Emmet G. Sullivan, ⁷⁰ appointed by President Reagan
New Judicial Position (7) Superior Court	Created by Act of Congress	May 18, 1984	Emmet G. Sullivan Robert S. Tignor Matthew S. Watson	Robert S. Tignor, appointed by President Reagan
James A. Washington, Jr. ⁷¹ Superior Court	Retired	November 8, 1984	Ronna L. Beck Herbert B. Dixon, Jr. David H. Marlin	Herbert B. Dixon, Jr., appointed by President Reagan
John F. Doyle ⁷² Superior Court	Retired	March 23, 1985	Richard A. Levie Gregory E. Mize Evelyn E. Queen	Richard A. Levie, appointed by President Reagan
Tim Murphy ⁷³ Superior Court	Retired	May 8, 1985	Ronna L. Beck Michael L. Rankin Curtis E. von Kann	Curtis E. von Kann, appointed by President Reagan
Paul F. McArdle ⁷⁴ Superior Court	Retired	September 12, 1985	Ronna L. Beck Charles W. Brooks Harold L. Cushenberry	Harold L. Cushenberry, appointed by President Reagan
Nicholas S. Nunzio ⁷⁵ Superior Court	Retired	September 12, 1985	Evelyn E. Queen Michael L. Rankin James S. Wright, Jr.	Michael L. Rankin, appointed by President Reagan

⁶⁹ Noël Kramer was appointed from the list of JNC recommendations for the vacancy created by the third new Superior Court judicial position.

⁷⁰ Emmet Sullivan was appointed from the list of JNC recommendations for the vacancy created by the seventh new Superior Court judicial position.

⁷¹ James Washington was appointed in 1970 by President Nixon.

⁷² John Doyle was appointed in 1970 by President Nixon.

⁷³ Tim Murphy was appointed in 1966 by President Johnson.

⁷⁴ Paul McArdle was appointed in 1970 by President Nixon.

⁷⁵ Nicholas Nunzio was appointed in 1970 by President Nixon.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
George H. Revercomb ⁷⁶ Superior Court	Appointed to U.S. District Court for D.C.	January 23, 1986 February 25, 1986	Evelyn E. Queen Robert P. Watkins, III ⁷⁷ James S. Wright, Jr. John H. Suda	Evelyn E. Queen, appointed by President Reagan
H. Carl Moultrie, Jr. ⁷⁸ Superior Court	Deceased	April 29, 1986	Clarice R. Feldman William L. Robinson John H. Suda	John H. Suda, appointed by President Reagan
Luke C. Moore ⁷⁹ Superior Court	Retired	September 9, 1987	Arthur L. Burnett, Sr. Joel M. Finkelstein Leroy Nesbitt	Arthur L. Burnett, Sr., appointed by President Reagan
Donald S. Smith ⁸⁰ Superior Court	Retired	September 9, 1987	William L. Davis Cheryl M. Long Mildred M. Matesich	Cheryl M. Long, appointed by President Reagan
Virginia L. Riley Superior Court	Deceased	March 3, 1988	Eric H. Holder, Jr. Leroy Nesbitt Charles L. Reischel	Eric H. Holder, Jr., appointed by President Reagan
Frank E. Schwelb Superior Court	Appointed to D.C. Court of Appeals	May 26, 1988	Mildred M. Edwards Lois Hochhauser Paul S. Ryerson	Mildred M. Edwards, appointed by President Reagan
Reggie B. Walton Superior Court	Resigned	July 31, 1989	Ruth R. Banks Kaye K. Christian Zinora M. Mitchell	Zinora M. Mitchell, appointed by President George H.W. Bush
Eight New Judicial Positions Superior Court	Created by Act of Congress	February 29, 1990 ⁸¹	Mary E. Abrecht Ruth R. Banks Russell F. Canan Harlow R. Case Karen K. Christensen Kaye K. Christian Howard C. Davenport Frederick D. Dorsey Stephanie Duncan-Peters Wendell P. Gardner, Jr.	Mary E. Abrecht Kaye K. Christian Frederick D. Dorsey Ellen S. Huvelle Jose M. Lopez Joan Zeldon McAvoy Gregory E. Mize Patricia A. Wynn, appointed by President George H.W. Bush

⁷⁶ George Revercomb was appointed in 1970 by President Nixon.

⁷⁷ Robert Watkins withdrew from consideration prior to action by the President and John Suda was then recommended by the JNC on February 25, 1986.

⁷⁸ H. Carl Moultrie was appointed in 1972 by President Nixon.

⁷⁹ Luke Moore was appointed in 1970 by President Nixon.

⁸⁰ Donald Smith was appointed in 1972 by President Nixon.

⁸¹ The JNC submitted an omnibus list of 24 recommendations to fill the eight new judicial positions.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
			Elizabeth S. Gere Katherine S. Gruenheck Christopher A. Hart Ellen S. Huvelle Anne O. Keary Jose M. Lope Joan Zeldron Gregory E. Mize Leroy Nesbitt Paul D. Pearlstein Charles L. Reischel Robert E. Richardson Earl E. Shamwell Patricia A. Wynn	
Carlisle E. Pratt Superior Court	Retired	April 12, 1990	John H. Bayly, Jr. Zoe A. Bush Linda T. Hamilton	Linda Turner Hamilton, appointed by President George H.W. Bush
Iraline G. Barnes Superior Court	Retired	April 12, 1990	Beverly J. Burke Stephen G. Milliken Susan A. Sinclair	John H. Bayly, Jr., ⁸² appointed by President George H.W. Bush
Joseph M. Hannon ⁸³ Superior Court	Deceased	May 9, 1990	Carol M. Booker Don W. Crockett Richard B. Hoffman	Stephen G. Milliken, ⁸⁴ appointed by President George H.W. Bush
Annice M. Wagner Superior Court	Appointed to D.C. Court of Appeals	September 17, 1990	Karen K. Christensen Wendell P. Gardner, Jr. Reginald C. Govan	Wendell P. Gardner, Jr., appointed by President George H.W. Bush
Sylvia A. Bacon ⁸⁵ Superior Court	Retired	July 22, 1991	Richard H. Ringell Earl E. Shamwell Reggie B. Walton	Reggie B. Walton, appointed by President George H.W. Bush
Warren R. King Superior Court	Appointed to D.C. Court of Appeals	October 16, 1991	Russell F. Canan Stephanie Duncan-Peters Ann O. Keary	Ann O. Keary, appointed by President George H.W. Bush

⁸² John Bayly was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Carlisle Pratt.

⁸³ Joseph Hannon was appointed in 1972 by President Nixon.

⁸⁴ Stephen Milliken was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Iraline Barnes.

⁸⁵ Sylvia Bacon was appointed in 1970 by President Nixon.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
George H. Goodrich ⁸⁶ Superior Court	Retired	October 16, 1991	Lois Hochhauser Erias A. Hymen Cynthia M. Lobo	Stephanie Duncan-Peters, ⁸⁷ appointed by President George H.W. Bush
Bruce S. Mencher Superior Court	Retired	October 16, 1991	Andrea L. Hamett Leroy Nesbitt Judith E. Retchin	Judith E. Retchin, appointed by President George H.W. Bush
William C. Gardner Superior Court	Retired	October 16, 1991	William M. Jackson Paul D. Pearlstein John E. Scheuermann	William M. Jackson, appointed by President George H.W. Bush
Robert M. Scott Superior Court	Retired	April 16, 1992	Karen K. Christensen Lee F. Satterfield Donna L. Wulkan	Lee F. Satterfield, appointed by President George H.W. Bush
Emmet G. Sullivan Superior Court	Appointed to D.C. Court of Appeals	April 16, 1992	Geraldine R. Gennet ⁸⁸ Brook Hedge Richard H. Ringell	Brook Hedge, appointed by President George H.W. Bush
Ronald P. Wertheim Superior Court	Retired	September 10, 1992	Russell F. Canan John E. Scheuermann Earl E. Shamwell, Jr.	Russell F. Canan appointed by President Clinton
Robert A. Shuker Superior Court	Deceased	August 17, 1993	Rafael Diaz Judith Hetherton Cynthia W. Lobo	Rafael Diaz, appointed by President Clinton
Fred B. Ugast ⁸⁹ Superior Court	Retired	November 18, 1993	Leroy Nesbitt Richard H. Ringell Earl E. Shamwell	Zoe Bush, ⁹⁰ appointed by President Clinton
Eric H. Holder, Jr. Superior Court	Resigned	November 18, 1993	Judith Bartnoff Zoe Bush Rhonda Reid Winston	Judith Bartnoff, appointed by President Clinton
Peter H. Wolf Superior Court	Retired	February 4, 1994	Fern Flanagan Mellie H. Nelson Lawrence H. Schwartz	Rhonda Reid Winston, ⁹¹ appointed by President Clinton

⁸⁶ George Goodrich was appointed in 1969 by President Nixon.

⁸⁷ Stephanie Duncan-Peters was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Warren King.

⁸⁸ Geraldine Gennet was nominated by President Bush for the vacancy created by the retirement of Judge Ronald P. Wertheim, but her nomination was returned to the President by the Senate.

⁸⁹ Fred Ugast was appointed in 1973 by President Nixon.

⁹⁰ Zoe Bush was appointed from the list of JNC recommendations for the vacancy created by the resignation of Judge Eric Holder.

⁹¹ Rhonda Winston was appointed from the list of JNC recommendations for the vacancy created by the resignation of Judge Eric Holder.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Ricardo M. Urbina Superior Court	Appointed to U.S. District Court for D.C.	September 6, 1994	Robert E. Morin Eric T. Washington Wayne Williams	Eric T. Washington, appointed by President Clinton
Gladys Kessler Superior Court	Appointed to U.S. District Court for D.C.	September 6, 1994	Patricia A. Broderick Linda K. Davis Cynthia W. Lobo	Linda K. Davis, appointed by President Clinton
Bruce D. Beaudin Superior Court	Retired	October 24, 1994	Ronna L. Beck Fern Flanagan Lawrence H. Schwartz	Ronna L. Beck, appointed by President Clinton
Curtis E. von Kann Superior Court	Retired	October 18, 1995	Erias A. Hymen Robert E. Morin Mary A. Gooden Terrell	Robert E. Morin, appointed by President Clinton
Richard S. Salzman Superior Court	Retired	April 8, 1996	Ronald C. Crump Poli A. Marmolejos L. Jackson Thomas, II	Mary A. Gooden Terrell ⁹² appointed by President Clinton
Harriett R. Taylor Superior Court	Retired	July 31, 1996	Patricia A. Broderick Lawrence H. Schwartz Barbara Lee Smith	Patricia A. Broderick, ⁹³ appointed by President Clinton
John H. Suda Superior Court	Retired	May 29, 1997	Anita Josey-Herring Thomas J. Motley Robert R. Rigsby	John M. Campbell, ⁹⁴ appointed by President Clinton
Colleen Kollar-Kotelly Superior Court	Appointed to U.S. District Court for D.C.	May 29, 1997	John M. Campbell Fern Flanagan Erias A. Hymen	Anita Josey-Herring, ⁹⁵ appointed by President Clinton
Henry H. Kennedy, Jr. Superior Court	Appointed to U.S. District Court for D.C.	December 12, 1997	Thomas J. Motley Robert R. Rigsby Melvin R. Wright	Melvin R. Wright, appointed by President Clinton
Paul R. Webber, III Superior Court	Retired	March 3, 1998	Ronald C. Crump Neal E. Kravitz Hiram E. Puig-Lugo	Neal E. Kravitz, appointed by President Clinton

⁹² Mary Terrell was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Curtis E. von Kann. She was nominated by President Clinton, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President Clinton.

⁹³ Patricia Broderick was nominated by President Clinton, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President Clinton.

⁹⁴ John Campbell was appointed from the list of JNC recommendations for the vacancy created by the appointment of Judge Colleen Kollar-Kotelly to the United States District Court for the District of Columbia.

⁹⁵ Anita Josey-Herring was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge John Suda.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Stephen F. Eilperin Superior Court	Retired	March 3, 1998	Natalia Combs Greene Poli A. Marmolejos John M. Mott	Natalia Combs Greene, appointed by President Clinton
Arthur L. Burnett, Sr. Superior Court	Retired	October 20, 1998	Jeanette J. Clark Mellie H. Nelson Hiram E. Puig-Lugo	Hiram E. Puig-Lugo, appointed by President Clinton
Eric T. Washington Superior Court	Appointed to D.C. Court of Appeals	August 26, 1999	Anna Blackburne-Rigsby Jeanette J. Clark Mellie H. Nelson	Anna Blackburne-Rigsby, appointed by President Clinton
Robert S. Tignor Superior Court	Retired	August 26, 1999	Erias A. Hyman Thomas J. Motley J. Michael Ryan	Thomas J. Motley, appointed by President Clinton
Truman A. Morrison, III Superior Court	Retired	January 11, 2000	Richard K. Gilbert John Ramsey Johnson John M. Mott	John M. Mott, appointed by President Clinton
Ellen S. Huvelle Superior Court	Appointed to U.S. District Court for D.C.	February 28, 2000	Noël A. Brennan Blanche L. Bruce Andrew Fois ⁹⁶	John Ramsey Johnson, ⁹⁷ appointed by President Clinton
Henry F. Greene Superior Court	Retired	April 28, 2000	Gerald I. Fisher Fern Flanagan Richard B. Jerome	Maurice A. Ross, ⁹⁸ appointed by President George W. Bush
Richard A. Levie Superior Court	Retired	April 28, 2000	Tamar M. Meekins ⁹⁹ Maurice A. Ross Robert J. Spagnoletti	Gerald I. Fisher, ¹⁰⁰ appointed by President Clinton
Eugene N. Hamilton ¹⁰¹ Superior Court	Retired	July 10, 2000	Erik P. Christian Milton C. Lee, Jr. Odessa F. Vincent	Erik P. Christian, appointed by President George W. Bush
Stephen G. Milliken Superior Court	Retired	March 13, 2001	Blanche L. Bruce Lynn Leibovitz J. Michael Ryan	Lynn Leibovitz, appointed by President George W. Bush

⁹⁶ Andrew Fois was nominated on July 20, 2000, for the vacancy created by the retirement of Judge Eugene Hamilton, but his nomination was returned to the President by the Senate.

⁹⁷ John Ramsey Johnson was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Truman Morrison.

⁹⁸ Maurice Ross was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Richard Levie.

⁹⁹ Tamar Meekins was nominated on June 26, 2000 for the vacancy created by the retirement of Judge Henry Greene, but her nomination was returned to the President by the Senate.

¹⁰⁰ Gerald Fisher was appointed in January 2001 from the list of JNC recommendations for the vacancy created by the retirement of Judge Henry Greene.

¹⁰¹ Eugene Hamilton was appointed in 1970 by President Nixon.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Evelyn E. Queen Superior Court	Retired	April 27, 2001	Diane M. Brenneman Jeanette J. Clark Patricia A. Riley	Odessa F. Vincent, ¹⁰² appointed by President George W. Bush
George W. Mitchell Superior Court	Deceased	October 22, 2001	Milton C. Lee, Jr. Judith N. Macaluso J. Michael Ryan	Jeanette J. Clark, ¹⁰³ appointed by President George W. Bush
Reggie B. Walton Superior Court	Appointed to U.S. District Court for D.C.	December 13, 2001	Blanche L. Bruce William F. Causey Robert R. Rigsby	Robert R. Rigsby, appointed by President George W. Bush
Gregory E. Mize Superior Court	Retired	March 12, 2002	James E. Boasberg Noël A. Brennan Brian F. Holeman	James E. Boasberg, appointed by President George W. Bush
Patricia A. Wynn Superior Court	Retired	March 12, 2002	Patricia A. Riley Fern F. Saddler	Fern F. Saddler, ¹⁰⁴ appointed by President George W. Bush
New Judicial Position (1) Superior Court	Created by Act of Congress	November 14, 2002	Robert J. Spagnoletti Diane M. Brenneman Jerry S. Byrd Margaret J. McKinney	Jerry S. Byrd, appointed by President George W. Bush
New Judicial Position (2) Superior Court	Created by Act of Congress	November 14, 2002	Carol A. Dalton S. Pamela Gray Christopher J. Herrling	Judith N. Macaluso, ¹⁰⁵ appointed by President George W. Bush
New Judicial Position (3) Superior Court	Created by Act of Congress	November 14, 2002	Judith N. Macaluso Juliet J. McKenna J. Michael Ryan	J. Michael Ryan, appointed by President George W. Bush
Mary E. Abrecht Superior Court	Retired	March 27, 2003	Blanche L. Bruce Brian F. Holeman Heidi M. Pasichow	Brian F. Holeman, appointed by President George W. Bush
Frederick D. Dorsey Superior Court	Retired	May 14, 2003	Craig S. Iscoe Dorothy A. Jeffress Phyllis D. Thompson	Craig S. Iscoe, appointed by President George W. Bush

¹⁰² Odessa Vincent was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Eugene Hamilton. She was nominated by President George W. Bush, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President George W. Bush.

¹⁰³ Jeanette Clark was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Evelyn Queen.

¹⁰⁴ Fern Saddler was nominated by President George W. Bush, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President W. Bush.

¹⁰⁵ Judith Macaluso was appointed from the list of JNC recommendations for the vacancy created by the third new Superior Court judicial position.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Mildred M. Edwards Superior Court	Retired	July 24, 2003	Jeffrey S. Gutman Gregory E. Jackson Beth S. Slavet	Gregory E. Jackson, appointed by President George W. Bush
Nan R. Shuker (<i>nee</i> Huhn) Superior Court	Retired	March 22, 2004	Diane M. Brenneman S. Pamela Gray Juliet J. McKenna	Juliet J. McKenna, ¹⁰⁶ appointed by President George W. Bush
Shellie F. Bowers Superior Court	Retired	March 22, 2004	Laura A. Cordero Randell H. Norton Phyllis D. Thompson	Laura A. Cordero, ¹⁰⁷ appointed by President George W. Bush
Steffen W. Graae Superior Court	Retired	September 13, 2004	Jennifer M. Anderson Heidi M. Pasichow Daniel H. Squire	Jennifer M. Anderson, ¹⁰⁸ appointed by President George W. Bush
Noël A. Kramer Superior Court	Appointed to D.C. Court of Appeals	September 12, 2005	Carol A. Dalton Andrew Fois Robert J. Spagnoletti	Carol A. Dalton, ¹⁰⁹ appointed by President George W. Bush
Susan R. Winfield (<i>nee</i> Holmes) Superior Court	Retired	November 18, 2005	Diane M. Brenneman S. Pamela Gray ¹¹⁰ Teresa A. Howie	Anthony C. Epstein, ¹¹¹ appointed by President George W. Bush
Anna Blackburne-Rigsby Superior Court	Appointed to D.C. Court of Appeals	October 10, 2006	Anthony C. Epstein Heidi M. Pasichow Edward J. Ungvarsky	Heidi M. Pasichow, ¹¹² appointed by President George W. Bush
Mary A. Gooden Terrell Superior Court	Retired	July 18, 2008	Alfred S. Irving, Jr. Richard S. Love Vyatas V. Vergeer	Alfred S. Irving, Jr., appointed by President George W. Bush

¹⁰⁶ Juliet McKenna was nominated by President George W. Bush, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President George W. Bush.

¹⁰⁷ Laura Cordero was nominated by President George W. Bush, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President George W. Bush.

¹⁰⁸ Jennifer Anderson was nominated by President George W. Bush, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President George W. Bush.

¹⁰⁹ Carol Dalton was nominated by President George W. Bush, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President George W. Bush.

¹¹⁰ S. Pamela Gray was nominated, but her nomination was returned to the President by the Senate.

¹¹¹ Anthony Epstein was appointed from the list of JNC recommendations for the vacancy created by the appointment of Anna Blackburne-Rigsby to the District of Columbia Court of Appeals.

¹¹² Heidi Pasichow was nominated by President George W. Bush, but her nomination was returned to the President by the Senate. She was then re-nominated and appointed by President George W. Bush.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Rufus G. King, III Superior Court	Retired	November 18, 2008	Teresa A. Howie Stuart G. Nash ¹¹³ Maria E. Raffinan	Marisa J. Demeo, ¹¹⁴ appointed by President Obama
Linda Turner Hamilton Superior Court	Retired	January 23, 2009	Marisa J. Demeo Elizabeth S. Gere Florence Y. Pan	Florence Y. Pan, appointed by President Obama
Rafael Diaz Superior Court	Retired	May 12, 2009	Jeffrey S. Gutman Sharon L. Larkin Elizabeth J. Shapiro	Stuart G. Nash, ¹¹⁵ appointed by President Obama
Jerry S. Byrd Superior Court	Retired	October 5, 2009	Christopher J. Herring Milton C. Lee, Jr. William W. Nooter	Milton C. Lee, Jr., ¹¹⁶ appointed by President Obama
Geoffrey M. Alprin Superior Court	Retired	February 1, 2010	Maria C.T. Amato Robert D. Okun Judith A. Smith	Judith A. Smith, appointed by President Obama
Cheryl M. Long Superior Court	Retired	February 1, 2010	Todd E. Edelman Devarieste Curry Elizabeth C. Wingo	Todd E. Edelman, appointed by President Obama
Odessa F. Vincent Superior Court	Retired	May 27, 2010	Joseph E. Beshouri Teresa A. Howie Maria E. Raffinan	Maria E. Raffinan, appointed by President Obama
Brook Hedge Superior Court	Retired	November 29, 2010	Catharine F. Easterly Teresa A. Howie Steven M. Wellner	Yvonne M. Williams, ¹¹⁷ appointed by President Obama
Judith E. Retchin Superior Court	Retired	November 29, 2010	Alfred F. Belcuore Rainey R. Brandt Jennifer A. Di Toro	Jennifer A. Di Toro, appointed by President Obama

¹¹³ Stuart Nash was nominated on January 8, 2009 by President George W. Bush. The nomination was withdrawn by President Obama on March 24, 2009.

¹¹⁴ Marisa Demeo was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Linda Tuner Hamilton.

¹¹⁵ Stuart Nash was appointed by President Obama from the list of JNC recommendations for the vacancy created by the retirement of Judge Rufus King.

¹¹⁶ Milton C. Lee, Jr., was nominated on January 20, 2010 by the JNC pursuant to D.C. Code § 1-204.34(d)(1) after the President did not select a nominee within 60 days of receiving the JNC's list of three candidates for his consideration in filling this judicial vacancy. On the same date, President Obama transmitted his nomination of Milton C. Lee, Jr., to the Senate in accordance with, and to effectuate, the JNC's nomination pursuant to D.C. Code § 1-204.34(d)(1).

¹¹⁷ Yvonne Williams was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Kaye Christian.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Kaye K. Christian Superior Court	Retired	November 29, 2010	Donna M. Murphy ¹¹⁸ Gary S. Thompson Yvonne M. Williams	Steven Michael Wellner, ¹¹⁹ appointed by President Obama
John H. Bayly, Jr. Superior Court	Retired	May 12, 2011	Joseph E. Beshouri Laura E. Hankins Elizabeth J. Shapiro	Peter A. Krauthamer, ¹²⁰ appointed by President Obama
Stephanie Duncan-Peters Superior Court	Retired	May 12, 2011	Danya A. Dayson Karen A. Howze Jason D. Tulley	Danya A. Dayson, appointed by President Obama
James E. Boasberg Superior Court	Appointed to U.S. District Court for D.C.	May 12, 2011	Peter A. Krauthamer John F. McCabe, Jr. Elizabeth C. Wingo	John F. McCabe, Jr., appointed by President Obama
Joan Zeldon Superior Court	Retired	January 25, 2012	Maria C.T. Amato Rainey R. Brandt ¹²¹ Jason D. Tulley	Michael K. O'Keefe, ¹²² appointed by President Obama
Zinora Mitchell-Rankin Superior Court	Retired	April 12, 2012	Teresa A. Howie Kimberley S. Knowles Steven M. Wellner	Kimberley S. Knowles, appointed by President Obama
Linda Kaye Davis Superior Court	Retired	July 25, 2012	Noel T. Johnson Michael K. O'Keefe Robert D. Okun	Robert D. Okun, appointed by President Obama
A. Franklin Burgess, Jr. Superior Court	Retired	May 15, 2013	Ann Maria Carroll William Ward Nooter ¹²³ Steven Michael Wellner ¹²⁴	William Ward Nooter, appointed by President Obama

¹¹⁸ Donna Murphy was nominated on February 3, 2011, by President Obama, but her nomination was returned to the President by the Senate on January 3, 2013.

¹¹⁹ Steven Wellner was nominated on November 21, 2013 by President Obama from the list of JNC recommendations for the vacancy created by the retirement of Judge A. Franklin Burgess, Jr., but his nomination was returned to the President by the Senate on January 3, 2014. He was re-nominated on January 6, 2014, but his re-nomination was returned to the President by the Senate on December 17, 2014. He was re-nominated on April 30, 2015, and appointed after Senate confirmation.

¹²⁰ Peter Krauthamer was appointed from the list of JNC recommendations for the vacancy created by the appointment of Judge James E. Boasberg to the United States District Court for the District of Columbia.

¹²¹ Rainey Brandt was nominated on March 21, 2012, by President Obama, but her nomination was returned to the President by the Senate.

¹²² Michael O'Keefe was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Linda Kaye Davis.

¹²³ William Nooter was nominated on July 11, 2013, by President Obama, but his nomination was returned to the President by the Senate. He was re-nominated on January 6, 2014, but his re-nomination was returned to the President on December 17, 2014. Mr. Nooter was re-nominated by President Obama on April 30, 2015, and appointed after Senate confirmation.

¹²⁴ Steven Wellner was nominated, and ultimately confirmed, to fill the vacancy created by the retirement of Judge Kaye Christian. See history in note 116, *supra*.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Natalia M. Combs Greene Superior Court	Retired	October 2, 2013	Steven Nathan Berk ¹²⁵ Sean Curtis Staples Sherry Moore Trafford ¹²⁶	Darlene M. Soltys, ¹²⁷ appointed by President Obama
Robert I. Richter Superior Court	Retired	July 31, 2014	Philip C. Andonian Robert A. Salerno ¹²⁸ Darlene M. Soltys ¹²⁹	Robert A. Salerno, appointed by President Obama
Herbert B. Dixon, Jr. Superior Court	Retired	March 2, 2015	Julie H. Becker Jonathan H. Pittman Elizabeth J. Shapiro	Julie H. Becker, appointed by President Obama
Ann O'Regan Keary Superior Court	Retired	September 30, 2015	Mark D. Back Ralph C. Ferrara Elizabeth C. Wingo	Elizabeth C. Wingo, appointed by President Obama
Harold L. Cushenberry, Jr. Superior Court	Retired	September 30, 2015	Alan R. Burch Lee W. Jackson Jason D. Tulley ¹³⁰	Steven Nathan Berk, ¹³¹ appointed by President Obama
Judith N. Macaluso Superior Court	Retired	May 5, 2016	Maria C.T. Amato Joseph E. Beshouri Rainey R. Brandt ^{132, 133}	Rainey R. Brandt, appointed by President Trump
Melvin N. Wright, Jr. Superior Court	Retired	August 1, 2016	Emily A. Gunston Deborah J. Israel ¹³⁴ Lee W. Jackson	Deborah J. Israel, appointed by President Trump

¹²⁵ Steven Berk was nominated on November 30, 2015 to fill the vacancy created by the retirement of Judge Harold L. Cushenberry, Jr. He was appointed by President Obama after Senate confirmation.

¹²⁶ Sherry Trafford was nominated on November 21, 2013, by President Obama, but her nomination was returned to the President by the Senate. She was re-nominated on January 6, 2014, but her re-nomination was returned to the President by the Senate on December 17, 2014.

¹²⁷ Darlene Soltys was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Robert I. Richter.

¹²⁸ Robert Salerno was nominated on September 30, 2014 by President Obama, but his nomination was returned to the President by the Senate on December 17, 2014. He was re-nominated on April 30, 2015 by President Obama and appointed after Senate confirmation.

¹²⁹ Darlene Soltys was nominated and appointed by President Obama to fill the vacancy created by the retirement of Judge Natalia M. Combs-Greene.

¹³⁰ Jason D. Tulley was nominated on June 29, 2016 by President Obama from the JNC recommendations list for the Judge Harold L. Cushenberry, Jr. vacancy to fill the vacancy created by the retirement of Judge Judith N. Macaluso. His nomination was returned to the President by the Senate on January 3, 2017.

¹³¹ Steven Nathan Berk was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Natalia M. Combs Greene.

¹³² Rainey R. Brandt was nominated on November 15, 2016 by President Obama from the JNC recommendations list for the Judge Judith N. Macaluso vacancy to fill the vacancy created by the retirement of Judge Lee F. Satterfield. Her nomination was returned to the President by the Senate on January 3, 2017.

¹³³ Rainey R. Brandt was nominated September 7, 2017 by President Trump to fill the vacancy created by the retirement of Judge Judith N. Macaluso, but her nomination was returned to the President by the Senate on January 4, 2019. She was re-nominated on March 11, 2019, and appointed after Senate confirmation.

¹³⁴ Deborah Israel was nominated on September 27, 2016 by President Obama, and her nomination was returned to the President by the Senate on January 3, 2017. She was re-nominated by President Trump on September 7, 2017, and her nomination was returned to the President by the Senate on January 4, 2019. She was re-

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Rhonda Reid Winston Superior Court	Retired	August 1, 2016	Julie R. Breslow ¹³⁵ Carmen Guericigoitia McLean ^{136, 137} Jonathan H. Pittman ¹³⁸	
Stuart Nash Superior Court	Retired	August 1, 2016 April 14, 2017	Errol Rajesh Arthur Gary Thompson Willia B. Perlmutter ¹³⁹ Paul B. Handy	Andrea Hertzfeld, ¹⁴⁰ Appointed by President Trump
Lee F. Satterfield Superior Court	Retired	October 5, 2016	Eric S. Glover Lloyd U. Nolan, Jr. Sean C. Staples	
Jeannette J. Clark Superior Court	Retired	January 12, 2017	Catherine S. Bruno Sharon E. Goodie Melissa F. Zappala	Jonathan H. Pittman, ¹⁴¹ appointed by President Trump
Gregory E. Jackson Superior Court	Retired	September 13, 2017	Michael Ambrosino Shana Frost Matini ¹⁴² Adrienne J. Noti	Carmen Guericigoitia McLean, ¹⁴³ appointed by President Trump
Zoe Bush Superior Court	Retired	December 7, 2017	Magdalena Acevedo ¹⁴⁴ Tanya M. Jones Bosier Caroline Swift Platt Karlyn J. Hunter	Shana Frost Matini, ¹⁴⁵ appointed by President Trump

nominated by President Trump on May 2, 2019 and appointed after Senate confirmation.

¹³⁵ Julie R. Breslow was nominated on September 27, 2016 by President Obama. Her nomination was returned to the President by the Senate on January 3, 2017.

¹³⁶ Carmen G. McLean was nominated on September 27, 2016 by President Obama from the JNC recommendations list for the Judge Rhonda Reid Winston vacancy to fill the vacancy created by the retirement of Judge Stuart Nash. Her nomination was returned to the President by the Senate on January 3, 2017.

¹³⁷ Carmen G. McLean was nominated on October 30, 2017 by President Trump to fill the vacancy created by the retirement of Judge Gregory E. Jackson and was appointed after Senate confirmation.

¹³⁸ Jonathan H. Pittman was nominated and appointed by President Trump to fill the vacancy created by the retirement of Judge Jeannette J. Clark.

¹³⁹ Willa Perlmutter withdrew from consideration on April 7, 2017, following return of President Obama's nomination of another candidate, and prior to further action by the President. The JNC recommended Paul B. Handy as a replacement on April 20, 2017.

¹⁴⁰ Andrea Hertzfeld was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Brian Holeman.

¹⁴¹ Jonathan H. Pittman was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Rhonda Reid Winston.

¹⁴² Shana F. Matini was nominated on February 5, 2018 by President Trump from the JNC recommendations list for the Judge Gregory E. Jackson vacancy to fill the vacancy created by the retirement of Judge Zoe Bush, but her nomination was returned to the President by the Senate on January 3, 2019. She was re-nominated on March 11, 2019, and appointed after Senate confirmation.

¹⁴³ Carmen G. McLean was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Rhonda Reid Winston.

¹⁴⁴ Magdalena Acevedo withdrew from consideration on December 15, 2017, prior to any action by the President. The JNC recommended Karlyn J. Hunter as a replacement on December 18, 2017.

¹⁴⁵ Shana Frost Matini was appointed from the list of JNC recommendations for the vacancy created by the retirement of Judge Gregory E. Jackson.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Thomas J. Motley Superior Court	Retired	December 7, 2017	Heide L. Herrmann Kelly A. Higashi Kenia Seoane López	Kelly A. Higashi, appointed by President Trump
Frederick H. Weisberg Superior Court	Retired	January 8, 2018	Rahkel Bouchet ¹⁴⁶ , ¹⁴⁷ Cory M. Chandler Judith E. Pipe	
Russell F. Canan Superior Court	Retired	March 13, 2018	Sheila B. Berman Armando O. Bonilla ¹⁴⁸ Melissa F. Zappala ¹⁴⁹ Adrienne J. Noti	
John M. Mott Superior Court	Retired	November 27, 2018	Jason Park Kenia Seoane López Elizabeth J. Shapiro ¹⁵⁰	Jason Park, appointed by President Trump
Brian Holeman Superior Court	Retired	November 27, 2018	Dwight E. Crawley James A. Crowell, IV Andrea L. Hertzfeld	James A. Crowell, IV, appointed by President Trump
John Ramsey Johnson Superior Court	Retired	July 10, 2019	Bridget Bailey Lipscomb Mark A. Robbins ¹⁵¹ Carl E. Ross ¹⁵²	

¹⁴⁶ Rahkel Bouchet was nominated on March 19, 2018 by the JNC pursuant to D.C. Code § 1-204.34(d)(1) after the President did not select a nominee within 60 days of receiving the JNC's list of three candidates for his consideration in filling this judicial vacancy. Her nomination was effectively returned by the Senate at the conclusion of the 115th Congress on January 3, 2019.

¹⁴⁷ Rahkel Bouchet was nominated on September 9, 2019 by President Trump to fill the vacancy created by the retirement of Judge John Ramsey Johnson. Her nomination was pending before the Senate as of September 30, 2020.

¹⁴⁸ Armando O. Bonilla withdrew from consideration on March 6, 2019. The JNC recommended Adrienne J. Noti as a replacement on March 12, 2019.

¹⁴⁹ Melissa F. Zappala was nominated on May 25, 2018 by the JNC pursuant to D.C. Code § 1-204.34(d)(1) after the President did not select a nominee within 60 days of receiving the JNC's list of three candidates for his consideration in filling this judicial vacancy. Her nomination was effectively returned by the Senate at the conclusion of the 115th Congress on January 3, 2019.

¹⁵⁰ Elizabeth J. Shapiro was nominated on May 23, 2019 by President Trump to fill the vacancy created by the retirement of Judge Lee F. Satterfield. Her nomination was pending before the Senate as of September 30, 2020.

¹⁵¹ Mark Robbins was nominated on November 19, 2019 by President Trump to fill the vacancy created by the retirement of Judge Michael L. Rankin. His nomination was pending before the Senate as of September 30, 2020.

¹⁵² Carl E. Ross was nominated on November 19, 2019 by President Trump to fill the vacancy created by the retirement of Judge Judith Bartnoff. His nomination was pending before the Senate as of September 30, 2020.

JUDGE/COURT	REASON FOR JUDICIAL VACANCY	DATE OF JNC JUDICIAL RECOMMENDATIONS	JNC JUDICIAL RECOMMENDATIONS	PRESIDENTIAL APPOINTMENTS
Michael L. Rankin Superior Court	Retired	October 21, 2019	Danny Lam Nguyen ¹⁵³ Kenia Seoane López Alicia D. Washington	
Judith Bartnoff Superior Court	Retired	October 21, 2019	Dwight E. Crawley Fara T. Gold Heide L. Herrmann	
Carol Ann Dalton Superior Court	Retired	March 19, 2020	Errol R. Arthur Angela S. Robinson Emile C. Thompson	
Wendell P. Gardner, Jr. Superior Court	Retired	March 19, 2020	Lee W. Jackson John C. Truong ¹⁵⁴ Melissa F. Zappala	
Patricia A. Broderick Superior Court	Retired	July 23, 2020	Hon. Sharon E. Goodie ¹⁵⁵ Philip A. Medley Caroline Swift Platt	

¹⁵³ Danny Lam Nguyen was nominated on May 14, 2020 by President Trump to fill the vacancy created by the retirement of Judge Carol A. Dalton. His nomination was pending before the Senate as of September 30, 2020.

¹⁵⁴ John C. Truong was nominated on May 14, 2020 by President Trump to fill the vacancy created by the retirement of Judge Wendell P. Gardner, Jr. His nomination was pending before the Senate as of September 30, 2020.

¹⁵⁵ Sharon E. Goodie was nominated on September 17, 2020 by President Trump to fill the vacancy created by the retirement of Judge Patricia A. Broderick. Her nomination was pending before the Senate as of September 30, 2020.

JNC Chief Judge Designations for the Superior Court of the District of Columbia

JUDGE/COURT	DATE OF JNC'S DESIGNATION OR REDESIGNATION AS CHIEF JUDGE
Harold H. Greene Superior Court	October 26, 1976
H. Carl Moultrie, I ¹⁵⁶ Superior Court	June 12, 1978
H. Carl Moultrie, I Superior Court	May 24, 1982
Fred B. Ugast ¹⁵⁷ Superior Court	May 28, 1986
Fred B. Ugast Superior Court	May 31, 1990
Eugene N. Hamilton ¹⁵⁸ Superior Court	October 28, 1993
Eugene N. Hamilton Superior Court	October 9, 1997
Rufus G. King, III ¹⁵⁹ Superior Court	September 6, 2000
Rufus G. King, III Superior Court	September 13, 2004
Lee F. Satterfield ¹⁶⁰ Superior Court	August 22, 2008
Lee F. Satterfield ¹⁶¹ Superior Court	July 25, 2012
Robert E. Morin ¹⁶² Superior Court	June 16, 2016
Anita Josey-Herring ¹⁶³ Superior Court	July 22, 2020

¹⁵⁶

Other candidates for chief judge were Judges James Belson, Joyce Green, and Tim Murphy.

¹⁵⁷

Other candidates for chief judge were Judges Gladys Kessler, Ricardo Urbina, and Paul Webber, III.

¹⁵⁸

Other candidates for chief judge were Judges Geoffrey Alprin, Reggie Walton, and Frederick Weisberg.

¹⁵⁹

Other candidates for chief judge were Judges Geoffrey Alprin, Herbert Dixon, Jr., Steffen Graae, George Mitchell, Michael Rankin, and Lee Satterfield.

¹⁶⁰

The other candidate for chief judge was Judge Anita Josey-Herring.

¹⁶¹

Judge Satterfield was the sole candidate.

¹⁶²

The other candidates for chief judge were Judges Judith Bartnoff, Erik P. Christian, Hiram Puig-Lugo, and Lee F. Satterfield.

¹⁶³

The other candidates for chief judge were Judges Milton C. Lee, Jr., and Lynn Leibovitz.



JOINING THE DISTRICT OF COLUMBIA COURTS



JOINING THE DISTRICT OF COLUMBIA COURTS

INTRODUCTION

This pamphlet is a guide for law students and lawyers who may be interested in pursuing a career as a judge on the District of Columbia Court of Appeals or the Superior Court of the District of Columbia (“District of Columbia courts”). The District of Columbia courts are unique among local courts nationwide in that they are Article I courts whose judges are nominated by the President of the United States and confirmed by the United States Senate. This pamphlet provides basic information about the judicial recommendation and nomination process, both to make the process as transparent as possible and to help potential candidates plan ahead. The goal of the District of Columbia Judicial Nomination Commission (“JNC” or “Commission”) is to encourage a diverse group of talented lawyers to apply to join one of the most respected courts in the country.

There is no one, single professional path to the local courts. Judges in the District of Columbia come from a wide variety of professional, social, economic, and educational backgrounds. The JNC evaluates each applicant on the basis of merit, and recommends applicants to the President on that basis. Following recommendation, District of Columbia judges are appointed only after being nominated by the President and confirmed by the United States Senate.

January 2016

ASSESSING YOUR CANDIDACY

The JNC is responsible for recommending to the President three persons for possible nomination for each vacancy on the District of Columbia courts. D.C. Code § 1-204.34(d)(1). When a vacancy occurs, the JNC solicits applications via a notice on its website. As set forth in D.C. Code § 1-204.33, persons eligible to be recommended must be:

- a United States citizen;
- an active member of the unified District of Columbia Bar;
- engaged in the active practice of law in the District of Columbia for the five years immediately preceding the nomination (serving as a law school professor or attorney in the U.S. or District of Columbia government expressly counts towards this requirement); and
- a bona fide resident of the District of Columbia, with an “actual place of abode in the District.”

Individuals who have served on either the JNC or the District of Columbia Commission on Judicial Disabilities and Tenure within the past two years are not eligible for recommendation.

Judges on the District of Columbia courts must retire at the age of 74, D.C. Code § 11-502, but there is no minimum requirement for serving on the District of Columbia courts. According to a study conducted by the Council for Court Excellence, between 1994 and 2011, nominees ranged in age from 33 to 60 years of age, with an average age of 47 at the time of nomination. How the District of Columbia Gets Its Judges, Council for Court Excellence (DC 2011).

In addition to determining whether applicants meet the statutory eligibility criteria, the JNC evaluates applicants’ integrity, professional competence, experience, judicial temperament, and involvement in the District of Columbia community. This evaluation is accomplished through review of the application submitted to the JNC, a background investigation, and personal interviews.

The Applicant Questionnaire, JNC Form 21, provides an overview of the types of professional experience and community involvement that will be important in assessing your candidacy. Keeping up-to-date records of the items listed below will make it easier for you to complete your application:

- *Educational background, including degrees, honors, and awards received.*
- *Bar and court admission(s), including dates, status, and administrative bodies that require special admission.*
- *Chronological employment experience after law school.*
- *The nature of your legal practice and client base, including areas of specialization.*
- *Detailed information for the past five years about court appearances, trials, settlements, and appeals.*
- *Summary information about your career prior to the past five years.*
- *List of the five most significant legal matters for which you were responsible, or, if you have none, the contributions you have made in other areas related to the law including teaching, court administration, rule-making, alternate dispute resolution, etc.*
- *Information about any prior judicial or elective offices you have held.*
- *Other, non-legal experience.*
- *Information relating to possible conflicts of interest (e.g., current business interests).*
- *Your history of tax compliance, involvement in legal proceedings, and any encounters with the criminal justice system.*
- *Your professional responsibility and ethics track record.*
- *Your membership in professional and other associations.*
- *A list of legal books or articles published, with citations.*

A word to the wise: As the JNC conducts a background investigation on each applicant, and if you are nominated, the White House and Senate will conduct further investigations, it is best to err on the side of inclusion in your application materials. It does not bode well for a candidate if issues

arise during these investigations that contradict information in the application. Keep track of your obligations, personal (e.g., taxes, other debts) and professional (e.g., bar dues), and stay on top of them.

The JNC's RECOMMENDATION PROCESS

If you believe you have the experience, expertise, and temperament to serve as a judge on the District of Columbia courts, check the JNC website at www.jnc.dc.gov for vacancy announcements and invitations to apply. Sign up there for the JNC listserv so that you will be notified when a vacancy occurs.

Applications are usually due 30 days after a vacancy is announced, and no late applications are accepted. The current version of the application materials will be available at the JNC website.

Pay close attention to the instructions for applying as your attention to detail is one element of your application.

After You Submit Your Application

The JNC announces the names of all applicants for each vacancy on the website and solicits public input through either a confidential online survey or letters. Once you have decided to apply, ask judges before whom you have appeared, colleagues, and opposing counsel to fill out the online survey or write a letter on your behalf. If you are recommended by the JNC to the President for possible nomination, you may wish to consider asking your references to write a letter to the President on your behalf as the JNC does not share survey results or letters with the White House.

The JNC also conducts an investigation into your professional background, which includes a credit check, tax check, education verification, employment verification, and contact with any bars or courts to which you are admitted. You will be contacted if the JNC has follow-up questions.

The JNC may speak with current and former colleagues, judges before whom you have appeared, as well as co-counsel and opposing counsel in your cases.

The JNC interviews all first-time applicants who meet the basic, statutory qualifications. The Commission may also re-interview applicants who are re-applying. Be prepared to discuss your qualifications – beyond the information you provided in your application. You may be asked hypotheticals to help the JNC get a sense of your decision-making style and temperament. Commissioners may be available for individual applicant meetings at the discretion of the Commissioner.

If you are not recommended to the President, do not be discouraged from applying for a future recommendation. Given the depth of talent and commitment to public service in the District of Columbia legal community, the candidate pool is quite strong. It is not uncommon for lawyers to apply several times before being recommended to the President.

THE NOMINATION PROCESS

Once your name has been forwarded to the White House, the President has 60 days within which to nominate a candidate for the vacancy. At this point, the White House will conduct its investigation and may contact you for an interview.

Even if you are not nominated for the vacancy for which the JNC recommended you, until that vacancy has actually been filled with a nominee confirmed by the Senate, you remain a viable candidate to be nominated for *any* vacancy on the same court. If you are in this position, feel free to contact the JNC if you have any questions.

THE CONFIRMATION PROCESS

After the President submits your nomination to the Senate, it will be forwarded to the Committee on Homeland Security & Governmental Affairs (“Committee”) for action. You can track the progress of your nomination on the Committee’s website: <http://www.hsgac.senate.gov/>. The Committee may schedule a hearing, and may request you to submit responses to its own questionnaire.

What to Expect at a Committee Hearing

The Committee hearing is intended to be a question and answer session. Some or all of the Committee members will attend the hearing, depending on the Senate’s calendar and their availability. If a senator does not attend, he or she may have staff attend and report back. The questions posed typically address the individual’s qualifications, understanding of how to interpret and apply the law, previous experience in court, judicial temperament, as well as the role of judges. You should, however, be prepared to speak about the entirety of your legal career, writings, and speaking engagements. You may wish to view hearings online at the Committee’s website (search “Associate Judge” on the Hearings page to review past hearings).

After the hearing, you may receive written follow-up questions from Committee members. The written follow-up may address issues not raised in the hearing, or may seek more information about issues that arose during the hearing.

For your nomination to proceed past the hearing stage, a majority of Committee members must support it.

Senate Votes

Once the hearing and any follow-up conclude, you need two votes to move forward with your nomination: (1) a Committee vote to report your nomination to the Senate, and (2) a confirmation vote on the Senate floor. The floor vote is scheduled by the Majority Leader.

Once reported by the Committee, you need to receive a majority vote in the Senate to be confirmed.

Even if your nomination has been reported to the Senate, it may still be returned to the President. This occurs when either the Committee or the Senate takes no action on your nomination. Senate rules provide that any nomination pending when the Senate adjourns or recesses for more than 30 days is returned to the President. Standing Rules of the Senate, Rule XXXI, ¶ 6. This typically occurs at the end of each two-year Congress. If this happens, as explained above, you remain in the candidate pool at the White House, and may be nominated for the same or different vacancy on the same court, *until the vacancy for which you were recommended has been filled*.

Timing

There is no time limit within which the Senate must act on nominations to the District of Columbia courts. Feel free to discuss the pace of confirmations with the JNC in order to understand what you might expect. While your nomination is pending, and while you remain an active candidate at the White House, keep track of the same information you developed when preparing your application. Any aspect of your professional life, or personal events to the extent they relate to your fitness for office, may be considered – including those that occur after you submit your application.

PATHS TO THE DISTRICT OF COLUMBIA COURTS

There is not just one path to the courts in the District of Columbia, but one of the most common is to have courtroom experience. In addition, half of the candidates recommended to the White House since 2010 had experience as a federal or state judicial law clerk.

Candidates recommended to the President by the JNC reflect the makeup of the District of Columbia legal community: between 1994 and 2015, approximately 30% came from the private and non-profit sectors, and approximately 70% from local or federal government positions.

Superior Court judges generally are assigned to one or more of the Court's divisions during their fifteen years within the courts – Civil, Criminal, Family Court, Probate, Tax, and the Domestic Violence Unit. Some lawyers recommended have specialized experience, having focused throughout their career on one broad substantive area of law (criminal prosecution, criminal defense, civil, or family law), while others have a more diverse background.

To give you a better idea of the different paths lawyers have taken within the courts, review some of the biographical statements of the Associate Judges and the Chief Judges of the District of Columbia Courts, which are available on the DC Courts website: www.dccourts.gov

FOR MORE INFORMATION...

We hope this guide has provided basic information about the judicial recommendation and nomination process, pointed out pitfalls to avoid, and provided useful advice for aspiring judges. If you are considering applying for a judgeship, be active in the local legal community, get to know people who can serve as mentors and advisors, and stay informed of issues confronting the District of Columbia courts. Feel free to contact the JNC at any time. The names and contact information for JNC staff and Commissioners are on the JNC website www.jnc.dc.gov

Good luck!

Additional Resources

How the District of Columbia Gets Its Judges, Council for Court Excellence (DC 2011), <http://www.courtexcellence.org/digital-library> (last accessed March 19, 2018)

For more information on JNC's recommendations, review the *Report of Historical Recommendations*, updated annually: www.jnc.dc.gov

For more information on the courts: www.dccourts.gov

For more information on the Senate Committee: www.hsgac.senate.gov

District of Columbia Judicial Nomination Commission

JUDICIAL NOMINATION COMMISSION**NOTICE OF PROPOSED RULEMAKING**

The Judicial Nomination Commission (Commission), pursuant to the authority set forth in Section 434(c)(2) of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 796; D.C. Official Code § 1-204.34(c)(2) (2016 Repl.)), hereby gives notice of the intent to promulgate a new Chapter 21 (Judicial Nomination Commission) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purposes of this rulemaking include to clarify ambiguities in the procedures relating to the status of applicants on judicial nomination lists. When there is a vacancy in a District of Columbia court, the Commission, following an application and background check process, selects three candidates and recommends those candidates on a list sent to the President, who nominates one of the Commission's recommended candidates. If the President does not nominate a candidate within sixty (60) days of receiving the list, then the Commission nominates a candidate from the list. Candidates must be confirmed by the Senate before being appointed to a judicial office.

The procedures in the Home Rule Act are ambiguous as to what happens when the Senate fails to confirm a nominee or returns a nomination. Accordingly, the Commission is promulgating these rules to clarify the procedure to be followed when the Senate fails to confirm or returns a nomination. The rulemaking specifies that when the Senate rejects, returns, or fails to take action on a nomination by the end of a Senate session, the nomination will be deemed rejected, and the President will have sixty (60) days to make another nomination. If the President does not make another nomination within sixty (60) days, the list of candidates for the vacancy is deemed expired, and the Commission submits another list to the President, starting the application process anew. The rulemaking also clarifies certain application procedures for judicial candidates and codifies what constitutes a quorum for the adoption of an action by the Commission. This rulemaking supersedes any prior rules of the Commission to the extent of any inconsistency.

Chapter 21, JUDICIAL NOMINATION COMMISSION, is added to Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, to read as follows:

CHAPTER 21 JUDICIAL NOMINATION COMMISSIONSecs.

- 2101 MEETINGS OF THE COMMISSION
- 2102 APPLICATIONS FOR JUDICIAL NOMINATIONS
- 2103 RECOMMENDED NOMINEES LISTS

2101 MEETINGS OF THE COMMISSION

- 2101.1 A majority of the serving members of the Judicial Nomination Commission (Commission) shall constitute a quorum. The vote of a quorum shall be necessary for the adoption of an action by the Commission.

2102 APPLICATIONS FOR JUDICIAL NOMINATIONS

- 2102.1 To be considered for nomination for a vacancy in the position of judge of a District of Columbia court, applicants shall:

- (a) Be United States citizens;
- (b) Be active members of the unified District of Columbia Bar;
- (c) For the five (5) years immediately preceding the application:
 - (1) Have practiced law in the District of Columbia;
 - (2) Been on the faculty of a law school in the District of Columbia; or
 - (3) Been employed as a lawyer by the United States government or the District of Columbia government;
- (d) Be *bona fide* residents of the District of Columbia, and have maintained an actual place of abode in the District for at least ninety (90) days immediately prior to the specified deadline for applications;
- (e) Have not served, within two (2) years prior to the deadline for applications, as a member of the District of Columbia Commission on Judicial Disabilities and Tenure, or as a member of the Commission; and
- (f) Be under the statutory age of mandatory retirement for District of Columbia judges.

2103 RECOMMENDED NOMINEES LISTS

- 2103.1 For each judicial vacancy on a District of Columbia court, the Commission shall transmit a Recommended Nominees List (List) of three recommended nominees to the President of the United States.
- 2103.2 The Commission shall not include on a List any person who is currently on a List for a vacancy on the same District of Columbia court.
- 2103.3 When a vacancy will occur due to the expiration of a District of Columbia judge's term of office or a District of Columbia judge reaching the statutory mandatory

retirement age, the Commission shall transmit a List to the President no later than sixty (60) days prior to the last date of the judge's term or retirement date.

- 2103.4 When a vacancy occurs for any other reason not specified in § 2103.3, the Commission must transmit a List to the President no later than sixty (60) days after the date the vacancy occurs.
- 2103.5 When a person named on a List requests that the recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a District of Columbia judge, the Commission shall promptly recommend a person to replace the person originally recommended from the list of applicants for the vacancy.
- 2103.6 If the President does not timely nominate a person to fill a District of Columbia judicial vacancy from the existing Lists within sixty (60) days of the Commission transmitting the List for the particular District of Columbia judicial vacancy to the President, the Commission shall nominate one person from the List for that vacancy, and with the advice and consent of the United States Senate, shall appoint the person to the judicial vacancy, in accordance with Section 434(d)(1) of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 796; D.C. Official Code § 1-204.34(d)(1)).
- 2103.7 When a person is nominated, by either the President or the Commission, and the United States Senate confirms the nomination, thereafter, upon the appointment of the person, either by the President or the Commission, the List for the vacancy filled by the nomination is deemed expired, and the Commission may include any person on the expired List on a subsequent List for a District of Columbia judicial vacancy if that person applies for the relevant vacancy.
- 2103.8
- (a)
- (1) When a nomination for a particular District of Columbia judicial vacancy, whether made by the President or the Commission, is rejected by the Senate, failed confirmation under the Standing Rules of the Senate, or is otherwise returned by the Senate, the nomination shall be deemed rejected.
- (2) The President shall have sixty (60) days to nominate a person to fill the particular District of Columbia judicial vacancy from one of the Lists, unless the President is sworn into office during that sixty (60)-day period, in which case the President shall have sixty (60) days from the date of assuming office to nominate another person to fill the judicial vacancy.
- (b) If the President does not timely nominate a person to fill a particular District of Columbia judicial vacancy within sixty (60) days of the date of

the rejection, the List for that vacancy shall be deemed expired. The Commission shall promptly transmit a new List for the vacancy.

- (c) In submitting a new List for a vacancy under this subsection, the Commission shall comply anew with the procedures specified by this chapter and Section 434 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 796; D.C. Official Code § 1-204.34). Persons on the expired list, including the rejected nominee, may reapply for the vacancy, but shall not be considered for the vacancy if they do not reapply.

2103.9 The computation of time for any time period specified in this section shall begin on and include the date of the event that triggers the period. Time periods shall be measured in calendar days, unless the last day is a Saturday, Sunday, or legal holiday, in which case, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

2103.10

- (a) Lists shall be deemed transmitted on the day that they are sent to the President by the Commission, not when received.
- (b) Nominations rejected by Senate vote shall be deemed to have occurred on the date of the vote of rejection.
- (c) Nominations deemed rejected by the operation of these rules shall be deemed to have occurred on the date on which the adjournment, recess, or other event triggers the operation of the rule.

2103.11 As of the effective date of these rules, all Lists from which a nomination has been rejected by the Senate and no subsequent nomination has been made are deemed expired. The Commission shall promptly transmit new Lists to the President for each such expired List consistent with the provisions of Subsection 2103.8(c).

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be clearly marked "Public Comments: Judicial Nomination Commission Regulations" and sent to the Judicial Nomination Commission, 515 5th Street N.W., Suite 235, Washington, D.C. 20001, or by email to Bianca Garcia, at dc.jnc@dc.gov. Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Bianca Garcia, at 202-879-0478 or dc.jnc@dc.gov.

JUDICIAL NOMINATION COMMISSION

NOTICE OF FINAL RULEMAKING

The Judicial Nomination Commission (Commission), pursuant to the authority set forth in Section 434(c)(2) of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 796; D.C. Official Code § 1-204.34(c)(2) (2016 Repl.)), hereby gives notice of the adoption of a new Chapter 21 (Judicial Nomination Commission) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR).

The purposes of this rulemaking include the intent to clarify ambiguities in the procedures relating to the status of applicants on judicial nomination lists. When there is a District of Columbia court judicial vacancy, the Commission, following an application and background check process, selects three candidates and recommends those candidates on a list sent to the President, who nominates one of the Commission's recommended candidates. If the President does not nominate a candidate within sixty (60) days of receiving the list, then the Commission nominates a candidate from the list. Candidates must be confirmed by the Senate before being appointed to a judicial office.

The procedures in the Home Rule Act are ambiguous as to what happens when the Senate fails to confirm a nominee or returns a nomination. Accordingly, the Commission is promulgating these rules to clarify the procedure to be followed when the Senate fails to confirm or returns a nomination. The rulemaking specifies that when the Senate rejects, returns, or fails to take action on a nomination by the end of a Senate session, the nomination will be deemed rejected, and the President will have sixty (60) days to make another nomination. If the President does not make another nomination within sixty (60) days, the list of candidates for the vacancy is deemed expired, and the Commission submits another list to the President, starting the application process anew. The rulemaking also codifies what constitutes a quorum for the adoption of an action by the Commission. This rulemaking supersedes any prior rules of the Commission to the extent of any inconsistency.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on August 30, 2019 at 66 DCR 11713. The U.S. Department of Justice (DOJ), the Legal Aid Society of the District of Columbia (Legal Aid), and the Washington Council of Lawyers (Council of Lawyers) submitted comments on the proposed rulemaking. Responses to those comments have resulted in alterations to Subsections 2101.1, 2103.6, 2103.8, and 2103.10 of the proposed rules that include the addition or deletion of material that serves only to clarify the intent, meaning, or application of the proposed rules. Sections 2101 and 2103 of the rulemaking were adopted as final by the Commission on November 1, 2019 and shall become effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*. The Commission intends to republish a Notice of Proposed Rulemaking in the *D.C. Register* to clarify certain application procedures for judicial candidates and reserves Section 2102 for this purpose.

Below, the Commission is summarizing the comments that were received, the Commission's comment responses, and any differences between the proposed rule and the final rule. For convenience, the Commission is summarizing comments by section and subsection. If multiple

similar comments were submitted, the Commission is summarizing these as a single comment. Each comment is followed by the Commission's response to that comment. After the response to each comment on a given topic, the Commission is also summarizing its determinations in response to the comments and noting changes between the proposed and final rules.

The comments are organized by topic in the following order:

1. Meetings of the Commission (§ 2101)
2. Applications for Judicial Nominations (§ 2102)
3. Recommended Nominees List (§ 2103)
4. Other Comments

Meetings on the Commission (§ 2101)

The Commission received a comment from the Council of Lawyers requesting clarification on whether vote of quorum would be a majority vote.

Commission Response: The Commission concurs with this comment and has amended the notice of final rulemaking to reflect that the vote of a majority of the serving members of the Commission is necessary for any action by the Commission.

Commission Determination

The Commission will finalize the proposed § 2101, with the clarification that the vote of a majority of the serving members of the Commission is necessary for any action by the Commission.

Applications for Judicial Nominations (§ 2102)

The Commission received a comment from the Council of Lawyers requesting clarification about the application requirements for nominations in § 2102.1. The commenter sought clarification as to whether persons must submit an application to be considered for the nomination.

The Commission received a comment from Legal Aid requesting clarification that any combination of the qualifying professional activities listed in § 2102.1(c) would qualify a candidate for consideration by the Commission.

The Commission received a comment from Legal Aid expressing concern that the *bona fide* residency requirement in § 2102.1(d) would potentially deprive the District of highly qualified candidates, by advancing the date by which an applicant must commence District residency beyond the statutory residency requirement. The commenter proposes requiring a certification that the applicant will become a resident of the District "at least ninety (90) days before any anticipated nomination by the President."

Commission Determination

The Commission intends to republish a Notice of Proposed Rulemaking in the *D.C. Register* to clarify certain application procedures for judicial candidates and reserves § 2102 for this purpose.

Recommended Nominees Lists (§ 2103)

The Commission received a comment from the Council of Lawyers suggesting that the term “judicial vacancy” be given an exact definition, covering both existing vacancies under § 2103.4 and prospective vacancies under § 2103.3.

Commission Response: The Commission believes the existing uses of “vacancy” in the proposed regulations are sufficiently clear and adequate.

The Commission received comments from DOJ and Legal Aid expressing concern about the proposed § 2103.6 and 2103.10(a) providing that the President may nominate a candidate “within sixty (60) days of the Commission transmitting the list,” and that “Lists shall be deemed transmitted on the day that they are sent to the President by the Commission, not when received.” D.C. Official Code § 1-204.34(d)(1) allows the president to nominate persons “within sixty days after receiving such list.” DOJ and Legal Aid were concerned about consistency between the proposed § 2103 and D.C. Official Code § 1-204.34(d)(1), and DOJ was additionally concerned about diminishing the time allowed to the President to make the nomination.

Commission Response: The Commission acknowledges the potential inconsistency between the proposed § 2103 and D.C. Official Code § 1-204.34(d)(1), and amends the proposed section to start the President’s time for nomination upon receipt of the List.

The Commission received a comment from Legal Aid regarding the proposed § 2103.8’s impact on the President’s power to nominate more than one candidate from the same list under D.C. Official Code § 1-204.34(d)(1), in cases where more than one vacancy exists at the same time. The commentator notes that the proposed regulation might generate ambiguities in cases where the Senate rejects or confirms the nomination of the first candidate, triggering the expiration of the list, while the nomination of the second candidate from the same list is still pending. The commentator requested that the Commission clarify that once an individual is nominated, the expiration of the list that person appeared on will not preclude that person’s confirmation and appointment.

Commission Response: The Commission acknowledges the ambiguity in the proposed § 2103.8, and adds an additional paragraph to § 2103.8 to clarify that the expiration of a list does not affect pending nominations which have not been otherwise rejected.

The Commission received a comment from the Council of Lawyers suggesting replacing the “shall” in “the President shall have sixty (60) days to nominate a person” in § 2103.8(a)(2) with language that more clearly indicates that the President does not have an affirmative obligation in the context of the nominations.

Commission Response: The Commission believes the existing language does not impose any affirmative obligations on the President to make a nomination; it only describes a time period which is specified in D.C. Official Code § 1-204.34(d)(1).

The Commission received a comment from the Council of Lawyers that Subsections 2103.10(b) and (c) inaccurately refer to nominations as the vacancies resulting from rejected nominations,

and not the nominations themselves, that would be deemed to have occurred on the date of the triggering event.

Commission Response: The Commission acknowledges that the proposed language of §§ 2103.10(b) and (c) incorrectly refers to nominations, but disagrees that the vacancies are what is created by the rejection; the vacancy remains constant until the Senate consents and the judge is appointed to the position by the President. The Commission revises the language to clarify that the rejections are deemed to have occurred on the dates of the specified events in §§ 2103.10(b) and (c).

The Commission received a comment from Legal Aid that the proposed § 2103.9 computes the time period for events to include the day of the event, rather than the typical practice in the legal profession to exclude the day of the triggering event in the computation of time, and suggests not including the day of the triggering event.

Commission Response: The Commission acknowledges that time periods in the legal profession typically do not include the day of the triggering event, but believes that including the day of the triggering event in this context will provide more certainty and definiteness.

Commission Determination

The Commission will finalize the proposed § 2103, with the following clarifications:

- The President's time for nomination begins upon receipt of the list.
- A new paragraph is added specifying that the expiration of a list does not affect otherwise pending nominations.
- The language in § 2103.10 is clarified to refer to rejections instead of nominations.

Other Comments

The Commission received comments from DOJ, Legal Aid, and the Council of Lawyers expressing general support of the proposed regulation. Commentators stated that the proposed clarification of the procedures will increase the efficiency of the nomination procedure and promote the public interest in effective and equitable administration of justice.

Commission Response: The Commission acknowledges and appreciates the commenters' support for these proposed regulations.

These rules were adopted as final on November 1, 2019 and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 21, JUDICIAL NOMINATION COMMISSION, is added to Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, to read as follows:

CHAPTER 21 JUDICIAL NOMINATION COMMISSION

Secs.

2101 MEETINGS OF THE COMMISSION

2102 APPLICATIONS FOR JUDICIAL NOMINATIONS (RESERVED)

2103 RECOMMENDED NOMINEES LISTS

2101 MEETINGS OF THE COMMISSION

2101.1 A majority of the serving members of the Judicial Nomination Commission (Commission) shall constitute a quorum. The vote of a majority of the serving members of the Commission shall be necessary for the adoption of an action by the Commission.

2102 APPLICATIONS FOR JUDICIAL NOMINATIONS (RESERVED)

2103 RECOMMENDED NOMINEES LISTS

2103.1 For each District of Columbia court judicial vacancy, the Commission shall transmit a Recommended Nominees List (List) of three recommended nominees to the President of the United States.

2103.2 The Commission shall not include on a List any person who is currently on a List for a vacancy on the same District of Columbia court.

2103.3 When a vacancy will occur due to the expiration of a District of Columbia judge's term of office or a District of Columbia judge reaching the statutory mandatory retirement age, the Commission shall transmit a List to the President no later than sixty (60) days prior to the last date of the judge's term or retirement date.

2103.4 When a vacancy occurs for any other reason not specified in § 2103.3, the Commission must transmit a List to the President no later than sixty (60) days after the date the vacancy occurs.

2103.5 When a person named on a List requests that the recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a District of Columbia judge, the Commission shall promptly recommend a person to replace the person originally recommended from the list of applicants for the vacancy.

2103.6 If the President does not nominate a person to fill a District of Columbia judicial vacancy from the existing Lists within sixty (60) days of receiving the List for the particular District of Columbia judicial vacancy, the Commission shall nominate one person from the List for that vacancy, and with the advice and consent of the

United States Senate, shall appoint the person to the judicial vacancy, in accordance with Section 434(d)(1) of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 796; D.C. Official Code § 1-204.34(d)(1)).

2103.7 When a person is nominated, by either the President or the Commission, and the United States Senate confirms the nomination, thereafter, upon the appointment of the person, either by the President or the Commission, the List for the vacancy filled by the nomination is deemed expired, and the Commission may include any person on the expired List on a subsequent List for a District of Columbia judicial vacancy if that person applies for the relevant vacancy.

2103.8

- (a)
 - (1) When a nomination for a particular District of Columbia judicial vacancy, whether made by the President or the Commission, is rejected by the Senate, failed confirmation under the Standing Rules of the Senate, or is otherwise returned by the Senate, the nomination shall be deemed rejected.
 - (2) The President shall have sixty (60) days to nominate a person to fill the particular District of Columbia judicial vacancy from one of the Lists, unless the President is sworn into office during that sixty (60)-day period, in which case the President shall have sixty (60) days from the date of assuming office to nominate a person to fill the judicial vacancy.
- (b) If the President does not nominate a person to fill a particular District of Columbia judicial vacancy within sixty (60) days of the date of the rejection, the List for that vacancy shall be deemed expired. The Commission shall promptly transmit a new List for the vacancy.
- (c) In submitting a new List for a vacancy under this subsection, the Commission shall comply anew with the procedures specified by this chapter and Section 434 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 796; D.C. Official Code § 1-204.34). Persons on the expired list, including the rejected nominee, may reapply for the vacancy, but shall not be considered for the vacancy if they do not reapply.
- (d) The expiration of a List shall not affect any nominations pending at the time of the expiration of the List which have not otherwise been rejected.

2103.9 The computation of time for any time period specified in this section shall begin on and include the date of the event that triggers the period. Time periods shall be measured in calendar days, unless the last day is a Saturday, Sunday, or legal

holiday, in which case, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

2103.10

- (a) Nominations rejected by Senate vote shall be deemed to be rejected on the date of the vote of rejection.
- (b) Nominations deemed rejected by the operation of these rules shall be deemed to be rejected on the date on which the adjournment, recess, or other event triggers the operation of the rule.

2103.11

As of the effective date of these rules, all Lists from which a nomination has been rejected by the Senate and no subsequent nomination has been made are deemed expired. The Commission shall promptly transmit new Lists to the President for each such expired List consistent with the provisions of Subsection 2103.8(c).

JUDICIAL NOMINATION COMMISSION**NOTICE OF SECOND PROPOSED RULEMAKING**

The Judicial Nomination Commission (Commission), pursuant to the authority set forth in Section 434(c)(2) of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 796; D.C. Official Code § 1-204.34(c)(2) (2016 Repl.)), hereby gives notice of the intent to amend Chapter 21 (Judicial Nomination Commission) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR), by in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to promulgate a new Section 2102 (Applications for Judicial Nominations) which clarifies certain application procedures for judicial candidates. This rulemaking supersedes any prior rules of the Commission to the extent of any inconsistency.

A Notice of Proposed Rulemaking, which included a proposed § 2102 regarding certain application procedures for judicial candidates, was published in the *D.C. Register* on August 30, 2019, at 66 DCR 11713. The Legal Aid Society of the District of Columbia (Legal Aid) and the Washington Council of Lawyers (Council of Lawyers) submitted comments on the proposed § 2102. Responses to those comments have resulted in alterations to § 2102.1 of the proposed rulemaking.

Below, the Commission summarizes the comments that were received, the Commission's responses to the comments, and any differences between the proposed § 2102.1, published on August 30, 2019, and the second proposed § 2102.1.

Comments Regarding Applications for Judicial Nominations (§ 2102)

The Commission received a comment from the Council of Lawyers requesting clarification about the application requirements for nominations in § 2102.1. The commenter sought clarification as to whether persons must submit an application to be considered for the nomination.

Commission response: The Commission acknowledges the ambiguity, and it has amended the proposed regulation to require that persons must submit an application to be considered.

The Commission received a comment from Legal Aid requesting clarification that any combination of the qualifying professional activities listed in § 2102.1(c) would qualify a candidate for consideration by the Commission.

Commission response: The Commission concurs with this comment, and it has amended the proposed regulation to reflect that any combination of the qualifying professional activities listed in § 2102.1(c) would qualify an applicant for consideration by the Commission.

The Commission received a comment from Legal Aid expressing concern that the *bona fide* residency requirement in § 2102.1(d) would potentially deprive the District of highly qualified candidates, by advancing the date by which an applicant must commence District residency beyond the statutory residency requirement. The commenter proposed requiring a certification

that the applicant will become a resident of the District “at least 90 days before any anticipated nomination by the President.”

Commission response: The Commission acknowledges the concern regarding the *bona fide* residency requirement in § 2102.1(d) of the August 30, 2019 proposed rulemaking, which required that applicants be *bona fide* residents of the District of Columbia, and have maintained an actual place of abode in the District for at least ninety (90) days immediately prior to the specified deadline for applications. D.C. Official Code § 1-204.33(b)(3) requires that no person may be nominated or appointed unless the person “has maintained an actual place of abode in the District for at least ninety days immediately prior to the nomination.” However, D.C. Official Code § 1-204.34(d)(3) provides that “in no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in § 1-204.33.” It is possible that an applicant may not meet the ninety-day District residency requirement at the time he or she submits an application, but may do so by the time the applicant is actually nominated. However, the time periods specified for recommendation and nomination of candidates in D.C. Official Code § 1-204.34(d)(1), *i.e.*, sixty days for the Commission to recommend a candidate, and sixty days for the President to nominate a candidate, are outer limits. The actual time taken for recommendation or nomination may be shorter, and the time from recommendation to nomination is not within the Commission’s control. The Commission interprets these statutes together to require that applicants must satisfy the requirements of D.C. Official Code § 1-204.33, including the ninety-day residency requirement, before the Commission may recommend them; otherwise, the Commission risks being in violation of D.C. Official Code § 1-204.34(d)(3) should the President nominate the applicant upon receipt of the Commission’s recommendation. Accordingly, the Commission has amended the proposed regulation to require that applicants be *bona fide* residents of the District of Columbia, and have maintained an actual place of abode in the District for at least ninety (90) days immediately prior to the date the Commission recommends the person to the President.

Commission Determination

The Commission is publishing this Notice of Second Proposed Rulemaking in the *D.C. Register* with the following amendments to the proposed § 2102.1:

- A person must submit an application to be considered for a judicial vacancy.
- An applicant must be a *bona fide* resident of the District of Columbia, and have maintained an actual place of abode in the District for at least ninety (90) days immediately prior to the date the Commission recommends the person to the President.
- Any combination of the qualifying professional activities listed in §§ 2102.1(c)(1)-(3) would qualify an applicant for consideration by the Commission.

Chapter 21, JUDICIAL NOMINATION COMMISSION, of Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended as follows:

A new Section 2102 is proposed to read as follows:

2102 APPLICATIONS FOR JUDICIAL NOMINATIONS

2102.1 To be considered for nomination for a vacancy in the position of judge of a District of Columbia court, a person must submit an application to the Commission. Applicants shall:

- (a) Be United States citizens;
- (b) Be active members of the unified District of Columbia Bar;
- (c) For the five (5) years immediately preceding the application:
 - (1) Have practiced law in the District of Columbia;
 - (2) Have been on the faculty of a law school in the District of Columbia; or
 - (3) Have been employed as a lawyer by the United States government or the District of Columbia government;
 - (4) Have engaged in any combination of the activities described in paragraphs (1)-(3);
- (d) Be *bona fide* residents of the District of Columbia, and have maintained an actual place of abode in the District for at least ninety (90) days immediately prior to the date the Commission recommends the person to the President;
- (e) Have not served, within two (2) years prior to the deadline for applications, as a member of the District of Columbia Commission on Judicial Disabilities and Tenure, or as a member of the Commission; and
- (f) Be under the statutory age of mandatory retirement for District of Columbia judges.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be clearly marked “Public Comments: Judicial Nomination Commission Regulations” and sent to the Judicial Nomination Commission, 515 5th Street N.W., Suite 235, Washington, D.C. 20001, or by email to Bianca Garcia, at dc.jnc@dc.gov. Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Bianca Garcia, at 202-879-0478 or dc.jnc@dc.gov.

JUDICIAL NOMINATION COMMISSION**NOTICE OF FINAL RULEMAKING**

The Judicial Nomination Commission (Commission), pursuant to the authority set forth in Section 434(c)(2) of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 796; D.C. Official Code § 1-204.34(c)(2) (2016 Repl.)), hereby gives notice of the adoption of a new § 2102 (Applications for Judicial Nominations) of Chapter 21 (Judicial Nomination Commission) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to clarify certain application procedures for judicial candidates. This rulemaking supersedes any prior rules of the Commission to the extent of any inconsistency.

A Notice of Proposed Rulemaking, which included a proposed § 2102 regarding certain application procedures for judicial candidates, was published in the *D.C. Register* on August 30, 2019, at 66 DCR 11713. The Legal Aid Society of the District of Columbia (Legal Aid) and the Washington Council of Lawyers (Council of Lawyers) submitted comments on the proposed § 2102. Responses to those comments resulted in alterations to § 2102.1 of the proposed rulemaking, which required a Notice of Second Proposed Rulemaking that was published in the *D.C. Register* on December 20, 2019, at 66 DCR 16440.

Legal Aid submitted comments on the second proposed § 2102.1, and responses to those comments have resulted in alterations that include the addition or deletion of material that serves only to clarify the intent, meaning, or application of the proposed rule. Subsection 2102.1 of the rulemaking was adopted as final by the Commission on March 5, 2020, and shall become effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

Below, the Commission summarizes the comments that were received, the Commission's responses to the comments, and any differences between the second proposed § 2102.1 and the final rule.

Comments Regarding Applications for Judicial Nominations (§ 2102)

In its Notice of Second Proposed Rulemaking, the Commission amended proposed § 2102.1 to reflect that any combination of the qualifying professional activities listed in § 2102.1(c) would qualify an applicant for consideration by the Commission. The Commission received a comment from Legal Aid expressing support for this amendment to proposed § 2102.1(c). Legal Aid also suggested amending proposed § 2102.1(c) so that the deadline for accumulating five years of relevant experience is the date that the Commission recommends the person to the President rather than the date on which the person submits an application, which would render this provision consistent with the Commission's amendment to proposed § 2102.1(d), which is described below.

Commission response: The Commission concurs with this comment, and it has amended the proposed regulation to reflect that an applicant must accumulate five years of qualifying experience immediately prior to the date that the Commission recommends the person to the President.

In its Notice of Second Proposed Rulemaking, the Commission amended proposed § 2102.1(d) to

require that applicants be *bona fide* residents of the District of Columbia, and have maintained an actual place of abode in the District for at least ninety (90) days immediately prior to the date the Commission recommends the person to the President. *See* D.C. Official Code § 1-204.33(b)(3) (requiring that no person may be nominated or appointed unless the person “has maintained an actual place of abode in the District for at least ninety days immediately prior to the nomination”); *see also id.* § 1-204.33(d)(3) (providing that “in no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in § 1-204.33”). The Commission received a comment from Legal Aid supporting the Commission’s amendment to bring the proposed § 2102.1(d) in line with the statutory requirement that any nominee must be a *bona fide* resident of the District of Columbia for at least 90 days immediately prior to the nomination.

Commission response: The Commission acknowledges and appreciates Legal Aid’s support for the amendment to proposed § 2102.1(d).

The Commission received a comment from Legal Aid that the second proposed rulemaking sometimes referred to applicants in the singular and at other times in the plural, and it suggested technical edits to promote consistency by referring to applicants exclusively in the singular.

Commission response: The Commission concurs with Legal Aid’s suggested technical edits, and it has amended the proposed regulation by referring to applicants exclusively in the singular.

Commission Determination

The Commission will finalize the second proposed § 2102.1, with the following amendments:

- An applicant must accumulate five years of qualifying experience immediately prior to the date that the Commission recommends the person to the President
- Subsection 2102.1 refers to applicants exclusively in the singular.

Chapter 21, JUDICIAL NOMINATION COMMISSION, of Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended by adding a new Section 2102, as follows:

2102 APPLICATIONS FOR JUDICIAL NOMINATIONS

2102.1 To be considered for nomination for a vacancy in the position of judge of a District of Columbia court, a person must submit an application to the Commission. An applicant shall:

- (a) Be a United States citizen;
- (b) Be an active member of the unified District of Columbia Bar;

- (c) For the five (5) years immediately prior to the date that the Commission recommends the person to the President:
 - (1) Have practiced law in the District of Columbia;
 - (2) Have been on the faculty of a law school in the District of Columbia;
 - (3) Have been employed as a lawyer by the United States government or the District of Columbia government; or
 - (4) Have engaged in any combination of the activities described in paragraphs (1)-(3);
- (d) Be a *bona fide* resident of the District of Columbia, and have maintained an actual place of abode in the District for at least ninety (90) days immediately prior to the date the Commission recommends the person to the President;
- (e) Have not served, within two (2) years prior to the deadline for applications, as a member of the District of Columbia Commission on Judicial Disabilities and Tenure, or as a member of the Commission; and
- (f) Be under the statutory age of mandatory retirement for District of Columbia judges.